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Celebrating ifar at 50

With highlights from the
Stolen Art Alert

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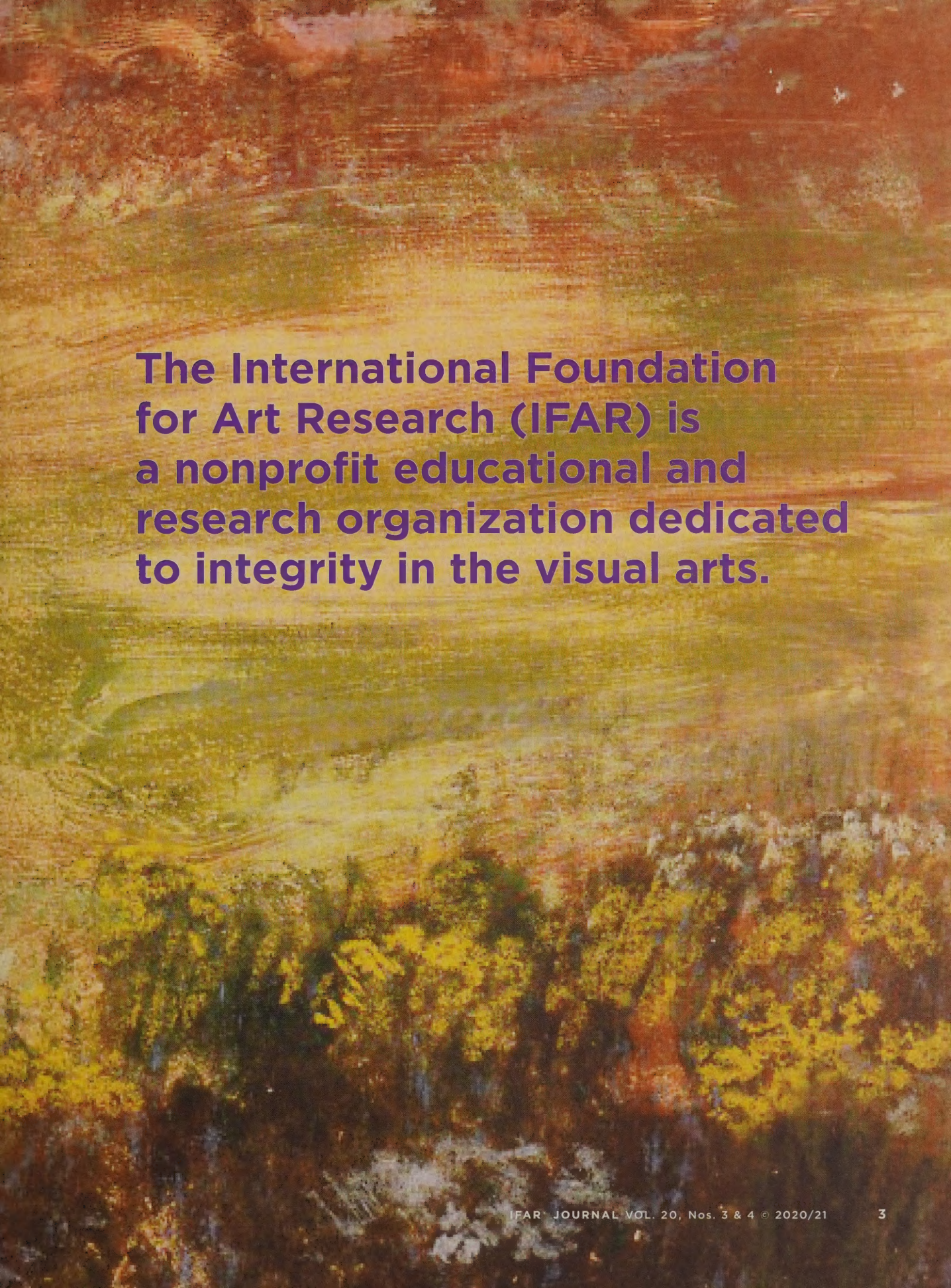

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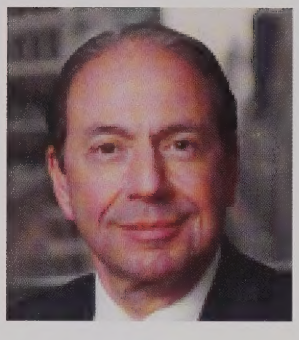

Greetings

from ANTHONY WILLIAMS, Chairman,
IFAR Board of Directors

As IFAR celebrates its 50th Anniversary, I would like to take the opportunity to give thanks. I have had the good fortune of serving as Chairman of IFAR for eight years, and as a Board member for several years prior to that. During this time, I have witnessed the extraordinary efforts of our Executive Director, Dr. Sharon Flescher, and her entire staff, who have maintained and even improved the quality of the IFAR programs and services. This success was made even more remarkable during the past couple of years as we struggled with the myriad of Covid-19 challenges.

In fact, during 2020 we held three *IFAR Evenings,* one in-person and fully subscribed, with a long wait-list, and two Zoom *Evenings,* also extremely popular. Other Zoom programs have taken place in January, April, and November 2021, the latter two—on Provenance Research and the FBI's Art Crime Team—fully subscribed at our Zoom limit. Still others are planned for 2022. In addition, we launched major enhancements to our already impressive Catalogues Raisonnés Database that enable users to find the growing number of digital and online catalogues among the thousands of catalogues raisonnés in the Database. We also continued to update and expand our other online resources, including the Provenance Guide and the Art Law & Cultural Property Database, and we co-published a book with Lund Humphries on *Provenance Research Today.* Our Authentication Research Service and Provenance Research Service have also remained busy. In other words, we have continued to provide the services the art world has grown to expect of us, and much more, and have done so at the highest quality.

Finally, I would like to extend my thanks to all of the IFAR Board and Council members and also all of our loyal and dedicated subscribers and supporters. We could not have done it without the assistance of all of you. We are counting on you for our next 50 years!

• • •

from SHARON FLESCHER, Ph.D.
Executive Director of IFAR;
Editor-in-Chief of the *IFAR Journal*

This special issue of the *IFAR Journal* – delayed because of the pandemic – is dedicated to IFAR's milestone 50th Anniversary. We view the milestone as an opportunity for reflection as well as celebration, for looking back with pride over our accomplishments and forward to what I believe is a vibrant future. And that is what we will do on the following pages.

It is tempting to wonder whether IFAR's founders – a group of civic-minded art scholars, collectors, attorneys, and government officials – ever imagined that their creation would remain so relevant a half century later. IFAR continues to provide vital services and educational tools for the public and art community; to inform the public and undertake research; to serve as a trusted resource; to shed even-handed light on complex and nuanced art and legal issues; to work against the circulation of fraudulent and misappropriated art; to provide a neutral forum for discussion; and, most importantly, to serve as a beacon of integrity and scholarship in an art world sorely in need of both.

IFAR has done all this despite its modest size and budget. Our strength derives in part from distinguished Board members and advisory councils in both art and law, on whom we rely regularly and whose rosters over the years have boasted giants in their fields. A sampling of those who are now gone includes John Richardson, Egbert Haverkamp-Begemann, Federico Zeri, John Rewald, Julius Held, Linda Nochlin, H.H. Arnason, José López-Rey, and William Gerdts on the art side, and the late Stephen E. Weil, John Merryman, and, alas, in the past year, Franklin Feldman and Jan Maarten Boll on the legal side. There are so many others, past and present.

The same is true for our Boards of Directors, starting with John de Menil, our very first Board President, to our current Board members, whose names appear on the inside cover of this *Journal,* and also below. IFAR has also benefited from superb staff leadership and longevity. I, who took the helm in 1998, am only the third Executive Director in all these years. I salute my two predecessors, Bonnie Burnham and Dr. Constance Lowenthal, both of whom have contributed brief remarks to this publication. And let me not forget our wonderful staff members past and present – particularly Dr. Lisa Duffy-Zeballos and Kathleen Ferguson – and the many volunteers, interns, and consultants on whom IFAR relies so strongly.

The art world was quite different when the International Foundation for Art Research (IFAR) was conceived in the late 1960s in the wake of several major art fraud scandals. Many soon-to-be prominent artists foundations, catalogue raisonné committees and authentication boards had not yet been established, and, for many artists, there was nowhere for owners of artworks with questioned authorship to turn for disinterested, authoritative opinions. Moreover, those art specialists who did render opinions on authenticity risked liability from disgruntled owners – a risk, sadly, that still exists. Compounding the problem was the growth of art fraud, and the recognition that something had to be done to protect art purchasers. As will be discussed in more detail in this *Journal,* the Attorney General of New York, Louis Lefkowitz, called for the creation of a not-for-profit organization, separate from the marketplace but respected by it, that could provide the needed expertise and serve as a bridge between the art specialists and the public. IFAR was created to fill that void.

A framework was set up wherein opinions would come down as those of IFAR, thereby shielding the specialists from liability. Ironically, many of the authentication boards and committees established in the intervening years have recently disbanded, but IFAR remains committed to the attribution/ authentication arena. Our Art Authentication Research Service, discussed below, is still a core activity, unique in the U.S.

Over the years, however, we have vastly expanded our purview, to include art theft and looting, restitution, art law, provenance, catalogues raisonnés, due diligence, and other legal, ethical, and scholarly issues dealing with art objects. These are subjects very much in the news today, making our work more relevant than ever. We have also expanded our educational activities – creating new online digital resources and offering more extensive public programming with residual impact. The *IFAR Journal* itself, which replaced our newsletter *IFARreports,* was introduced in 1998 to enable more substantive coverage of the issues.

Yes, IFAR has changed with the times – and will continue to do so. No viable organization could thrive so long otherwise.

Take art law, where IFAR's roots go back to one of our founders, Joseph Rothman, Assistant Attorney General of New York State under Louis Lefkowitz, who spearheaded art fraud hearings in the 1960s. The field of art law has mushroomed over these years; it barely existed as a separate field when we were created. Recognizing its importance, IFAR formed a Law Advisory Council in 1985. Its driving force was the aforementioned Frank Feldman, an attorney who taught the first art law course at Columbia Law School. Frank's involvement with IFAR went back almost to our beginnings. A font of IFAR information, he was my Rock of Gibraltar when I started. Today, barely an issue of the *IFAR Journal* goes by without several articles relating to art and cultural heritage law in all its ramifications. Indeed, it is difficult to keep up. The legal disputes, particularly relating to Holocaust-era art ownership claims, often take years to wend their way through the court system, and IFAR tries to follow them in all their stages. The ownership dispute over two Lucas Cranach panel paintings in the Norton Simon Museum, for example, was a *Journal* cover story in 2008 and was closely followed on our pages until its resolution in 2019.

"... to continue to serve as a beacon of integrity and scholarship ..."

Recognizing the growing importance of art law, we launched our Art Law & Cultural Property Database in 2008, as part of an ambitious online educational initiative. Our goal – then as now – was to help people navigate the mushrooming body of case law in our fields of interest, as well as the abundant but hard-to-find international cultural property ownership and export legislation so essential for museums and other collectors to adhere to today's more stringent due diligence standards. Currently, the Database contains legislation (in the original language and English translation) from 131 countries, as well as summaries of hundreds of legal cases, with attached court decisions. Significantly, the summaries include images of the artworks at issue in the cases. Not even LexisNexis has that. The Database was awarded a prestigious National Leadership Grant from the Institute of Museums and Library Services (IMLS), a federal agency, which described it as "invaluable" for the museum field. True, but it is not just for museums. Universities like Columbia, Fordham, Stanford, Princeton, and many others, as well as individuals and law firms, subscribe.

Higher due diligence standards also explain the current emphasis on provenance research. But whereas provenance – the history of ownership – is merely a buzzword to many, it has always been integral to IFAR's activities, as a means of verifying both attribution and legal title, particularly for the crucial Nazi years of 1933-1945. Here, too, IFAR has been at the forefront. Ever since we began publishing a periodical in 1979, when restitution issues were barely on the radar of the art world and popular press, we've been highlighting the unresolved issues surrounding WWII-era art looting. Missing artworks included in our publications have led to many recoveries. In April 2000, in collaboration with NYU, we organized a landmark Conference/ Workshop on Provenance and Due Diligence and published the proceedings in the *IFAR Journal* (Vol. 3, nos. 3&4)– still one of our most popular issues. Our Provenance Research Service is

in demand; our online Provenance Guide is available to all, free of charge, and a recent virtual *IFAR Evening* devoted to Provenance Research was fully subscribed. Last year, IFAR co-published *Provenance Research Today* with Lund Humphries. Provenance as an "issue" will not go away anytime soon, and IFAR will remain in the trenches.

The same is true for catalogues raisonnés – authoritative documentations of an artist's body of work. When IFAR organized a landmark "Conference on Catalogues Raisonnés and the Authentication Process" in December 2001, we were advised against it, a colleague even asking whether anyone was interested in catalogues raisonnés these days. The answer turned out to be a resounding "yes." More than two hundred people attended the conference, traveling to New York City in the wake of 9/11. The special *IFAR Journal* issue devoted to the conference proceedings (Vol. 8, nos. 3&4) is still a best seller. IFAR was prescient in predicting the resurgent interest in catalogues raisonnés, along with object-based art history. This led us to create another online resource, our Catalogues Raisonnés Database, launched in 2008, which now contains information on more than 4,700 published and in-preparation catalogues raisonnés. It, too, is free of charge and will remain so, as long as generous funders support it.

These online resources were part of a major transformation of IFAR, one which de-emphasized our pioneering role in the field of stolen art searching and registration to refocus on our educational and research mission. As such, we created the award-winning *Journal* that you are reading; reinvigorated our research; vastly expanded our public programming; and transformed our Website into an interactive information resource.

This doesn't mean that IFAR pulled out completely from the field of stolen art. On the contrary; we continue to publish the *Stolen Art Alert*® section in the *IFAR Journal,* as we have since 1977. In itself, the Alert has been responsible for the recovery of dozens of artworks (described elsewhere in this *Journal* issue). And we regularly publish articles on art theft and looting in the *IFAR Journal.* But we transferred the searching and registration of items in IFAR's Stolen Art Archive/Database – to the Art Loss Register, a commercial entity we helped create at the end of 1990, and licensed our Database to it. This freed us to focus on other things.

During the recent Covid-19 closures, we pivoted again – transforming our hugely popular in-person *IFAR Evening* programs into a virtual format, thereby attracting new and broader audiences.

What lies ahead? If IFAR's past is brilliant, so, too, is our future.

Like all vital organizations, IFAR will continue to evolve as circumstances and needs demand, while vigilantly standing guard over our reputation for scholarship and integrity.

IFAR has always come up with innovative – and sustainable – solutions to pressing art world concerns. Our very creation in the late 1960s was a response to the need for an impartial, scholarly voice on issues of attribution. When art theft became a problem in the 1970s, it was IFAR that created what became the first database of stolen art accessible to the public. When Spanish Colonial paintings in Peruvian churches were at risk of pillage in the 1980s, IFAR, at the request of the Peruvian government, created a photographic Inventory of the works in situ. That Inventory is now proving crucial to recovering stolen paintings that have been brought to the U.S. In 2008, when other cultural heritage issues loomed large, IFAR launched the aforementioned Art Law & Cultural Property Database. We don't know what issues will arise in the future, but we know that we will address them.

We also know that we will continue to maintain and expand our online resources.

We will digitize the *IFAR Journal,* without, I hope, doing away with the hard-copy publication that subscribers love and which has won 8 awards in the American Alliance of Museums Publications Contest. Digitization will enable us to reach a broader and younger audience. So, too, will an expanded focus on social media.

At a time when artists' foundations and estates are getting out of the attribution/ authentication arena for fear of liability, IFAR will remain in it. As a nonprofit organization with no vested interest in the outcome of the research, our role is too important for us to pull out.

IFAR has been honored by the FBI, U.S. Customs, the National Arts Club, and the Private Art Dealers' Association, among others. Last year, the New York City Council issued a Proclamation honoring us for 50 years of service to the art world. Senator Edward Kennedy consulted us when drafting legislation that made museum theft a federal crime in 1994. We have helped in dozens of government investigations and research projects and are mentioned in the Federal Register and Congressional Record. We have exposed numerous art scams, and I, myself, testified as a fact witness in the *de Sole v. Knoedler* trial. Our role in the Knoedler Gallery art scandal was highlighted in the documentary "Made You Look," now showing on Netflix. We have participated in Advisory "Roundtables" for the U.S. State Department and the National Archives and Records Administration (NARA), among others; have made presentations at national and international conferences, symposia and workshops, including, recently, training workshops for the FBI and Homeland Security; and are regularly cited in the media.

We will continue to organize major conferences, in addition to our popular *IFAR Evenings*. One such conference, delayed by the pandemic, will be announced soon.

I don't think it immodest to say that IFAR, with its emphasis on due diligence and integrity, its pioneering work in art theft and looting, and its important research tools and services, has literally changed the art world.

We have accomplished all this, as I said above, with modest financial means and limited staff. Just think what we could accomplish with sufficient funding! Despite our name, we were not set up as an endowed foundation.

Changing that is also part of our future. We intend to capitalize on our milestone 50th anniversary to launch our very first Endowment Campaign. Stay tuned for more information.

In closing, here is my pledge to you: we will continue to do what we do best: we will inform; we will research objectively; and we will serve as a beacon of integrity and scholarship. We hope that you will be alongside us for the ride.

• • •

Ellen Liman
and
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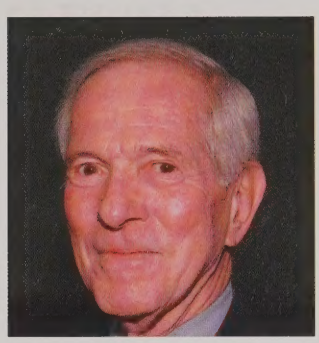
Congratulations on 50 years of
invaluable service!

Greetings

from JACK A. JOSEPHSON,
Chairman Emeritus, IFAR



As IFAR celebrates its fiftieth year, I find my thoughts drifting back to my time, approximately 25 years, as a director and then Chairman (1997-2014). When I first joined the board, there was a most impressive group of art historians and attorneys, the latter particularly interested in the legal ramifications of provenance and forgeries. The organization had come into being in 1969 at the request of Louis Lefkowitz, then Attorney General of the State of New York, in order to have a skilled and unbiased group of experts capable of delivering opinions regarding the attribution of questionable works of art. One member of the Art Advisory Council was my friend and mentor, Bernard V. Bothmer, an Egyptologist of great renown, who persuaded me that it was a worthy exercise, and I became a director.

IFAR was always an underfinanced organization, which is, unfortunately, still true! Nevertheless, it accomplished the ambitions set forth by Mr. Lefkowitz. I was very proud to be in the company of such an august group, and learned a great deal about the art trade. Shortly before I joined the board, the responsibilities of IFAR expanded to the reportage of stolen art, tracing and identifying the objects as far as possible. It was Bonnie Burnham who instigated this important function, which was continued by Connie Lowenthal, her successor as executive director.

In 1997, the then Chairman, Arthur Altschul, decided to retire from that position and requested that I take over the board. Almost simultaneously, Connie left her post. I could not guarantee IFAR's future existence, in light of the recent licensing of our stolen art register to an English businessman (to create the Art Loss Register), this decision the result of a cash shortage. I immediately set out to find a replacement, and to my immense relief, found Sharon Flescher, a perfect answer to all our problems.

In 1998, Sharon jumped in with both feet, redoing and revitalizing our publication into the *IFAR Journal,* raising much needed funds, and establishing IFAR as the outstanding spokesperson to the art world. Whenever I read the *Journal,* I find myself patting my own back for being wise enough to recognize her many talents. I was astonished by her knowledge of art, and the incredible energy she exerted in all her tasks. She left no stone unturned in the pursuit of excellence in every phase of IFAR's mission. In all honesty, I believe it was my finest accomplishment as Chairman. I will always be grateful to Sharon, whom I greatly admire. Several years ago, I resigned from the board because I thought it was time for new blood in that seat.

The next half century, I trust, will see further undertakings which will continue IFAR's prominence in the field of art, and only hope that Sharon will soldier on for as long as possible. The art trade has changed dramatically since our founding and now includes questions of provenance and authenticity that were scarcely asked when IFAR began. Today, foreign governments are heavily involved in making claims for some very important artifacts, as well as passing laws preventing their trade. The question of the provenance of questionable objects or the possible theft of Holocaust material is of great importance as well. Only IFAR is in a position to assist in these questions, and I wish them good fortune.

• • •

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Pollock-Krasner

Lee Krasner and Jackson Pollock in their garden, 1949. Photograph by Wilfrid Zogbaum.

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Greetings

from CONSTANCE LOWENTHAL, Ph.D.
Executive Director of IFAR, 1985-1997

In late 1997, after some thirteen years as executive director, I left IFAR to direct a new effort by the World Jewish Congress to recover art taken from victims of Hitler's regime. I stayed for three years. My preparation was my experience at IFAR working against the circulation of stolen art (and forgeries) for many years, recording and publicizing thefts and recoveries, cooperating with many interested parties, and following the developing case law in the U.S. as it unfolded in a startlingly swift series of lawsuits to recover stolen art. The publication of *IFARreports* ten times a year was a large part of our efforts, but the Internet was changing the meaning of "timely," and my successor rightfully made the necessary adjustments.

Since 2001, I have done consulting work on art-ownership disputes and issues of provenance, but I have been retired for some years now. On IFAR's fiftieth anniversary, I have some observations about IFAR's essential role in a changing world of art theft and recovery.

In the early 1980s, a few attorneys had specialized in claims for art recovery. Franklin Feldman and Stephen Weil (members of IFAR's Board and Law Advisory Council) had published *Art Law,* a textbook of case studies. But soon more practicing attorneys found themselves with clients (governments, galleries, individuals, and institutions) who needed representation on one or the other side of art-recovery claims. This area of law also began to attract a growing number of young attorneys and inspired the introduction of courses, both at the Practicing Law Institute, where Ralph Lerner's two-day seminar saw enrollment multiply dramatically, and in law schools across the country, to address the interest and the complexities of such cases. Local and international seminars, conferences, continuing education courses, and the publication of articles in law journals exploded. Spurred by headlines and controversial cases with huge implications for their members, annual meetings of art historians, museums, museum directors, and lawyers put the subject on their agendas.

Serious researchers created a new literature, both books and articles, on the subject. Without the influential early contributions of Lynn H. Nicholas, Hector Feliciano, Jonathan Petropoulos, and Sophie Lillie (both in published work and in speaking engagements), the field would be much the poorer. Excellent journalists covering the art world wrote for magazines (*ARTnews* being the most notable and dedicated in my view) and for newspapers and brought many of these situations to public attention. In the early 2000s, librarians recognized the growing interest, made many acquisitions, and The Frick Art Reference Library compiled a scholarly bibliography on the subject.

Organizations of lawyers and legal scholars (such as The Institute of Art and Law in the U.K. and the Art Law Centre in Switzerland) played a huge role in educating their profession and interested parties, holding conferences and seminars which were published and where many individuals were able to make the acquaintance of others with similar concerns.

The international nature of the art trade made the subject intellectually challenging, and the varied circumstances of the cases — involving theft victims, law enforcement, dealers, auction houses, innocent buyers both institutional and individual — were, well, juicy. It helped build a rapidly growing art bar. A few law firms expanded their art-law departments. While many of these efforts related to cases seeking to recover art taken as a result of the policies and

actions of the Third Reich, there were also successful efforts to make art claims more viable by changing statutes that imposed time limits on claims. Under the laws of different countries and depending on which laws governed the current holder (private parties, governments, public and private institutions), any claim required serious expertise.

It was clear to me that IFAR was well positioned to help all parties in these disputes by providing reliably accurate information, and that is what IFAR has continued to do, in a greatly expanded way, by building databases and continuing the publication and a series of evening programs with expert speakers on relevant and urgent subjects through the many years. Against the background of such disputes, IFAR's objective and disinterested role is invaluable. Art recovery has also become a money-making business for some, but sadly there are no ethical guidelines for such practitioners.

An important question that arose in the late 1990s was whether, and for how long, claims for art taken as a result of Nazi laws and the Holocaust would continue. Survivors who had been victims were dying. In anecdote after anecdote, I heard that they had not spoken to their children about the suffering, the horrors and the material losses they had experienced for decades after the war. But in their late years and in a climate newly attentive to the thefts, misappropriations, and forced sales of art so long ago, and because the children of the survivors were now in middle age, families began to research and lodge claims. Some elderly parents secured pledges from their children to pursue the recovery of their art heritage. I point to these developments to emphasize that, contrary to the notion that such claims might die with the survivors of the Holocaust, these disputes continue unabated twenty years later. Information available on the Internet has made some of this possible, vastly increasing the chances that a claimant could locate a work of art missing for over 70 years. New policies, committees, and databases in European governments have, to a degree, enhanced a claimant's chances as well. E. Randol Schoenberg represented the heirs of Adele Bloch-Bauer in their high-profile claim, and it reached the U.S. Supreme Court, which ruled against the Republic of Austria's argument that it was immune under the Foreign Sovereign Immunities Act. After that critical defeat, Austria negotiated the return to the heirs of Adele Bloch-Bauer of a group of Gustav Klimt paintings. The case inspired documentaries as well as a fine and popular film "Woman in Gold," by which time it was abundantly clear that the recovery of stolen art had become part of popular consciousness and was guaranteed widespread international coverage for many years to come.

"Against the background of such disputes, IFAR's objective and disinterested role is invaluable."

During my last eight years or so at IFAR, I contributed an occasional column ("Art Crime Update") to the Leisure and Arts page of *The Wall Street Journal*. I wrote about thefts, recoveries, discoveries, fakes and forgeries, and their legal framework. It was pithy and well read. My editor assured me that, apart from its actual subject matter, mine was a human foibles column. When I left IFAR, we agreed that a column about Holocaust-era cases would be too specialized, and we parted ways. But I think now that we likely were mistaken.

I was trained as an art historian, and in my time at IFAR my world expanded beyond anything I could have imagined. I loved meeting and working with people who inhabited or intersected with the art world in different ways: law enforcement (local, national, international), private detectives, insurance adjusters and claims officers, dealers and collectors of art and antiquities, appraisers, and attorneys. I learned that art crime is forever and attracts new people all the time. As a member of the LAPD's Art Squad once advised me, "Stay in crime, Connie, it's steady work."

• • •

Greetings

from BONNIE BURNHAM
Executive Director of IFAR, 1978-1985

The invitation to contribute to a 50th anniversary issue of the *IFAR Journal* gave me an opportunity to reflect on my own early professional life and the way it evolved.

I first learned about IFAR while working at the International Council on Museums (ICOM) in Paris. An article appearing in *Art Journal* in the early 1970s announced the launch of IFAR, an entity created "to channel and coordinate scholarly and technical information about works of art" in order to combat fraud. My work at ICOM centered on the policy that ICOM was promoting for ethical acquisition policies at museums, in response to the 1970 UNESCO Convention on illicit traffic in works of art.

It seemed to me that there must be some serendipity between this new organization and the growing ethical issues surrounding the acquisition of plundered antiquities and stolen art by museums and collectors. A few years later, with the help of a handsome grant from a friendly foundation, I was able to persuade IFAR to launch an inquiry into how museums, art dealers, and auction houses dealt with these issues.

My time at IFAR, between 1974 and 1984, first as consultant and then as Executive Director, was an opportunity to explore problems that were just beginning to impact the art world at that time – increasing art theft, inadequate means to document legal title, and the liabilities surrounding illegitimate art sales. Court decisions from that period upheld the right for original owners of stolen art objects to seek their recovery through legal process. IFAR's research revealed that the art world, and all of its participants, were fundamentally unprepared to deal with these issues, although they were beginning to be concerned. This groundwork put in place both a new resource – its Art Theft Archive, which many years later (1991) was merged newly crafted into the Art Loss Register – and a new awareness leading to policies and practices that are standard today.

The decision to support the research on art theft was not an easy step to take for an organization in its infancy, which was just finding its footing. Several of the founding board members, many of whom were well-known art historians, were opposed to branching into this new area. They saw IFAR as a meeting ground between those with scholarly expertise and connoisseurship skills on the one hand and people who needed those skills on the other to reach a determination about authenticity, authorship and correct attribution of works of art. How could their scholarship have any bearing on determining whether a given object was stolen or not, and whether a given purveyor could convey legal title? In the end, the presence on the board of a group of prominent art dealers, auction house officials, and attorneys convinced the others that theft, provenance and legal title were becoming equally important issues for the art world to address. IFAR's mandate to be a defender of integrity in the art world has been interpreted broadly ever since, with an ever-growing roster of activities representing changing issues of the time.

One intriguing and satisfying project of my tenure at IFAR was the inventory of paintings in remote churches in the high Andes of Peru, surrounding the colonial city of Cuzco. Recognizing the vulnerability of these paintings to theft, the energetic attorney Frederic Truslow convinced IFAR to organize a photographic inventory of paintings in churches that were accessible enough to be vulnerable but

remote enough to be unprotected. Over two summers, with support from the Kress Foundation and others, IFAR organized teams of photographers and young art historians to catalogue as many works as possible. A copy of the inventory was deposited in the Archbishopric of Cuzco, and another kept at IFAR headquarters. These files have been critical, on numerous occasions, for the recognition and recovery of works stolen from these churches that subsequently appeared in foreign commerce. As an excellent prototype for "preventative inventory," it can only be regretted that projects of this nature were not more widespread throughout areas of the world where valuable art is found in undefended locations.

Today, the art world faces new issues having to do with the development of global markets; the destruction of artworks in ongoing conflict; the use of experimental materials in contemporary art, with implications for future conservation and authenticity questions. With the continued, sometimes stupefying escalation in art sales and the values of individual works, the need for legitimacy in the art marketplace is ever more relevant. Collecting institutions, governmental agencies with responsibility for cultural works, and individuals involved in the marketplace will need to stay abreast of these issues. IFAR's role as a forum that encourages transparency and dialogue seems ever more important and urgent. The IFAR of the future should aspire to be even better known, more respected, and better financed, working beyond its home base in New York to the corners of the world.

• • •

It has been our honor to work with IFAR

Cheers to the next 50 years!

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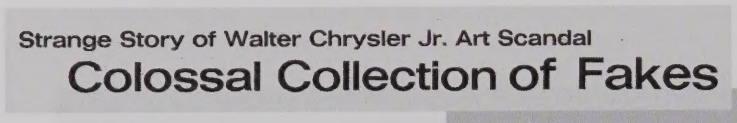
Background—

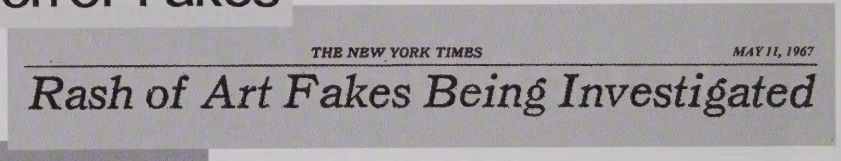
To begin IFAR's life with the beginning of IFAR's life, IFAR was born out of a dream and a need.*

In the 1960s, several major art frauds, affecting collectors like Walter J. Chrysler and Algur H. Meadows, rocked the art world. Attorney General of New York State, Louis J. Lefkowitz, held two years of hearings into fraud and other art world problems. The talks resulted in new legislation regarding artists' rights and dealer warranties protecting collectors. But proposed bills intended to protect "experts" from lawsuits for rendering opinions about the authenticity and attribution of art objects or for exposing forgeries did not materialize. No entity divorced from the marketplace existed where the public could turn for authoritative and objective opinions. It was this void that the founders of IFAR hoped to fill.


Strange Story of Walter Chrysler Jr. Art Scandal

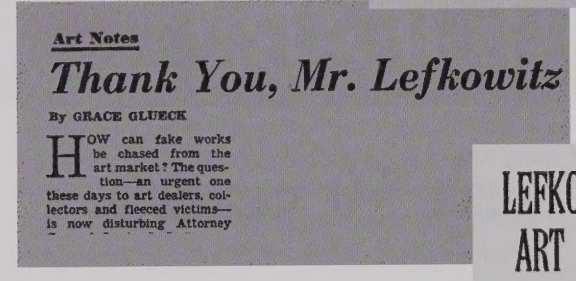
Colossal Collection of Fakes

Life Magazine, November 2, 1962


THE NEW YORK TIMES MAY 11, 1967

Rash of Art Fakes Being Investigated

The New York Times, May 11, 1967

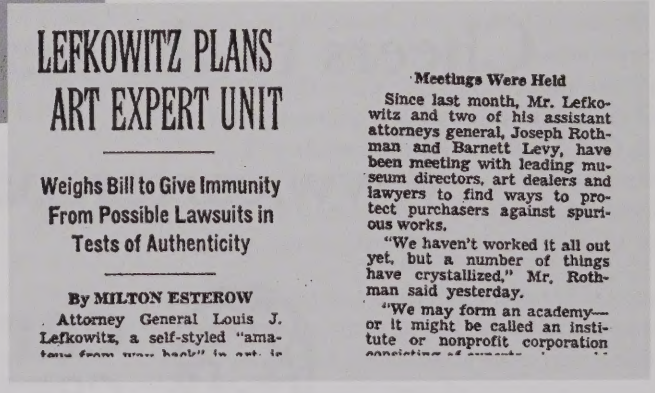

Art Notes

Thank You, Mr. Lefkowitz

By GRACE GLUECK

HOW can fake works be chased from the art market? The question—an urgent one these days to art dealers, collectors and fleeced victims—is now disturbing Attorney

The New York Times, December 12, 1965


LEFKOWITZ PLANS ART EXPERT UNIT

Weighs Bill to Give Immunity From Possible Lawsuits in Tests of Authenticity

By MILTON ESTEROW

Attorney General Louis J. Lefkowitz, a self-styled "amateur from way back" in art, is

Meetings Were Held

Since last month, Mr. Lefkowitz and two of his assistant attorneys general, Joseph Rothman and Barnett Levy, have been meeting with leading museum directors, art dealers and lawyers to find ways to protect purchasers against spurious works.

"We haven't worked it all out yet, but a number of things have crystallized," Mr. Rothman said yesterday.

"We may form an academy—or it might be called an institute or nonprofit corporation consisting of

The New York Times, December 3, 1965

* Apologies to Charles Dickens.

The International Foundation for Art Research (IFAR) Is Born

Assistant Attorney General of New York State, Joseph Rothman, who spearheaded the New York State art fraud hearings, and several distinguished scholars, including John Rewald, author of the *History of Impressionism*, conceived of a nonprofit organization, IFAR, where scholars, without fear of liability, could offer authoritative opinions about works of art whose authorship was questioned or unknown. The opinions would come down as those of IFAR. The organization would be independent of the marketplace but respected by it, thereby assuring the objectivity of its opinions, and the public would gain access to the expertise of internationally renowned scholars and connoisseurs. Research produced by the organization could be published, would advance scholarship and, in the end, would help work against fraud.

Introducing the International Foundation for Art Research

H. Harvard Arnason

In the spring of 1967, New York State Attorney General Louis J. Lefkowitz called a public hearing, which was attended, primarily, by representatives of museums and academic institutions, lawyers and art dealers, to discuss a problem of increasing importance for the world of the arts: the number of art frauds, spurious paintings or paintings with deliberately erroneous attributions being circulated on the art market. Several notorious cases had recently come to light, and Lefkowitz was concerned with the fact that no agency existed designed specifically to deal competently with this problem.

As a result of this hearing, the Attorney General met privately, on June 23, 1967, with representatives of the five major museums of New York City to discuss possible solutions, and from suggestions made at this meeting, the International Foundation for Art Research was formed in August, 1968.

The Foundation is administered by a Board of Directors whose membership reflects a broad cross-section of the art community: leading collectors, scholars, dealers, lawyers and public officials. The reports of the Foundation are compiled by internationally-recognized art experts who form the Advisory Council.[1] The Foundation is a completely non-profit organization whose Board of Directors serves without compensation. It is designed to assist art museums, individual collectors, community institutions and government agencies in the resolution of questions of authenticity or attribution of works of art that may be in their collections or that may be offered to them as gifts. The Foundation is concerned solely with questions of authenticity and attribution and not with matters of evaluation. An example synthesized from cases recently referred to the Foundation might serve to illustrate how the Foundation can be of use to art museums.

During 1971, the Foundation was approached by a representative of a town which had been offered a collection of paintings and other art objects, as a nucleus for a general museum in that community. The size and diversity of the collection made it hard to assess what it would represent in final form. Several of the directors of the Foundation consulted with the town representatives and it was decided that, initially, four or five representative pieces from the collection would be submitted for examination. The first step was to persuade the owner to submit the paintings for examination, as the Foundation considers works of art only at the request of the owner. (The reports of the Foundation are held

[1]Among those who serve on the Council are: H. Harvard Arnason (Chairman), D. Juan Arnaud de Lasarte, Jean Adhémar, Dr. Diego L. Angulo, Dr. Junius B. Bird, Sir Anthony Blunt, Dr. Harry Bober, Bernard V. Bothmer, Dr. François Daulte, Charles Durand-Ruel, Dr. Gordon F. Ekholm, Dr. Horst Gerson, Lloyd Goodrich, Prof. Egbert Haverkamp-Begemann, Michael Jaffe, Daniel-Henry Kahnweiler, Dr. José López-Rey, Prof. Lawrence J. Majewski, A. Hyatt Mayor, Charles Ratton, Dr. John Rewald, Dr. Wolfhard Saumdaender, Dr. Charles Sterling, Dr. Hanns Swarzenski, Prof. Ellis K. Waterhouse and Prof. Federico Zeri.

38 Museum News/April 1972

Museum News, April 1972

A Board of Directors was formed, comprising leaders from different sectors of the art world. John de Ménil, art patron and collector, was named President. Incorporation papers were filed in New York State, and IFAR's nonprofit status was confirmed by the IRS on January 30, 1969. The Board set about performing its first task: creating an Art Advisory Council of international stature, without which the credibility and authority of the organization would not be attained. In 1970, the following press release was sent:

FOR IMMEDIATE RELEASE

NEW FOUNDATION IS CENTER FOR ART RESEARCH

The formation of the INTERNATIONAL FOUNDATION FOR ART RESEARCH, INC., a non-profit organization, was recently announced by its president, John de Ménil. The foundation's purpose is to serve as a bridge between the public and the art world in cases involving the attribution of works of art and other issues of international public concern requiring authoritative information.

Establishing of the foundation was prompted by rapidly growing demands for a center equipped to supply impartial expertise plus technical and scholarly information on works of art involved in issues of substance. Through the foundation's unique structure and organization, experts in their fields will serve on an advisory council, making available to the foundation not only their experience but also documentation and source material which are presently inaccessible to the public. . . .

BOARD OF DIRECTORS (1970)

President – Mr. John de Ménil
Vice President – Dr. José Lopez-Rey
Vice President – Mr. Ivan Phillips
Vice President & Treasurer – Mr. Louis Goldenberg
Secretary – Mr. Simon Sheib
Dr. Harry Bober
Mr. Douglas MacAgy
Mr. Peregrine Pollen
Dr. John Rewald
Mr. Joseph Rothman
Mr. Stanley Simon

ADVISORY COUNCIL (partial list, 1970)

Chairman – Dr. Harry Bober, Avalon Professor of the Fine Arts, Institute of Fine Arts, New York University
Dr. Diego I. Angulo, Director of the Museo del Prado, Madrid
Dr. Junius B. Bird, Curator of South American Archaeology of the American Museum of Natural History, New York
Mr. Bernard V. Bothmer, Curator of Ancient Art and Vice Director of Collections, The Brooklyn Museum, New York
Dr. Francois Daulte, Director of the Bibliothèque des Arts
M. Charles Durand-Ruel, Durand-Ruel Galleries
Dr. Gordon F. Ekholm, Curator of Mexican Archeology of the American Museum of Natural History, New York
Mr. Lloyd Goodrich, Advisory Director of the Whitney Museum of American Art, New York
M. Daniel-Henry Kahnweiler, Director of the Galerie Louise Leiris, Paris
Professor Lawrence J. Majewski, Chairman of the Conservation Center of the Institute of Fine Arts, New York University
Dr. Willibald Sauerländer, Director, Central Institute for Art Research, Munich
Professor Charles Sterling, Institute of Fine Arts, New York University; Conservateur des Musées Nationaux de France
Dr. Federico Zeri, specialist in Italian painting and author of forthcoming catalogue of Italian paintings in the Metropolitan Museum, and …

Other eminent scholars joined soon afterwards – including Julius Held, H. Harvard Arnason, Michael Jaffe, and Egbert Haverkamp-Begemann.

Extensive media coverage ensued – *The New York Times, ARTnews, the Houston Chronicle, Museum News,* radio interviews on WNYC and elsewhere …

Art Group Is Set Up To Judge Attribution

By GRACE GLUECK

How many art experts would tell a collector his Caravaggio was a fake? Help the government fight a tax case involving an overvalued painting? Come forward with information about mislabeled works in a city-owned museum?

Not many, according to Dr. Harry Bober, a medieval specialist at New York University's Institute of Fine Arts. "They are unwilling to stick their necks out for fear of legal liability, or that their opinions may be misused," he says. "What's more, there's a lack of coordinated information in the field. Questions about disputed works of art are kicked around in catch-as-catch-can fashion by lawyers, dealers, scholars, other experts and such government agencies as the Federal Bureau of Investigation. Until now, there's been no organized body to channel information and impartial expertise."

So, to meet what he sees as a "rapidly growing demand" for a center that could supply such expertise and background information about disputed works of art Dr. Bober and others have formed the International Foundation for Art Research. Its president is John de Ménil, Houston industrialist and prominent art collector, and its founding board includes leading scholars, collectors, dealers and public officials.

The nonprofit foundation will seek to coordinate scholarly and technical resources on art from all over the world, and make them available to individuals, associations and government agencies. It will also provide an administrative and legal framework within which experts can express their objective opinions.

"We expect to deal with questions of substance as they arise," Dr. Bober explains, "not serve as a shopping guide. I think of us as a court of appeals."

As one example of cases the foundation might handle, he mentioned the recent dispute over the attribution of a Raphael painting acquired by the Boston Museum of Fine Arts. If such a case were submitted to it, the foundation would solicit the opinions of Raphael scholars, conservators, connoisseurs and historians. Its findings would be kept confidential between the foundation and the applicant, although eventually the records would be made available to scholars and "responsible inquirers."

Cases of Misattribution

"Our field isn't black and white," Dr. Bober continued. "Often it's not a question of a work being 'fake,' but simply a misattribution. Many misattributed paintings are of the same period as an old master, but done by a lesser artist. We don't intend to make market judgments. The question is not the importance of the attribution, but the correctness of it."

The foundation, whose office at 654 Madison Avenue is manned by Margery Torrey, executive secretary, is supported entirely by private contributions. It will charge applicants a fee representing costs involved in conducting preliminary studies and the preparation of documents and reports.

Besides Mr. de Ménil and Dr. Bober, its founding members include José Lopez-Rey, professor at N.Y.U.'s Institute of Fine Arts; Lewis Goldenberg, president of Wildenstein & Co.; Peregrine Pollen, president of Parke-Bernet Galleries; John Rewald, professor of art history at the University of Chicago, and Joseph Rothman, special assistant attorney general in charge of art frauds investigation for the state.

Members of the foundation's international Advisory Council include, so far, Dr. Diego I. Angulo, director of the Prado Museum, Madrid; Dr. François Daulte, director of the Bibliothèque des Arts in Lausanne, Switzerland; Charles Durand-Ruel, head of the Durand-Ruel Galleries in Paris; Lloyd Goodrich, advisory director of the Whitney Museum in New York; Daniel-Henry Kahnweiler, director of the Galerie Louise Leiris in Paris, and Prof. Lawrence J. Majewski, chairman of the Conservation Center of the Institute of Fine Arts.

Marquette University

Dr. Harry Bober of N.Y.U. suggests art experts are often reluctant to call a fake a fake because of legal liability.

The New York Times, May 8, 1970

The Early Years

Authentication Research

Allegorical Portrait of a Young Woman: Mlle. Madeleine Guimard. Oil on canvas. J. H. Fragonard. IFAR Authentication #70.1.

Press coverage brought IFAR its first authentication inquiries in the spring/summer of 1970. Over the next two years, IFAR received 85 authentication inquiries from individuals; two authentication inquiries from city museums; and one from a university, the latter three concerning entire collections. The Advisory Council selected the most significant objects to research. In addition, IFAR's expertise was called upon twice during this period by the IRS and two different District Attorney's offices.

The Very First Research Project

The first authentication research project IFAR undertook was submitted by a collector's estate and comprised a group of 10 paintings whose authenticity was questioned by the IRS. Painting number one (recorded by IFAR as #70.1) was submitted with an attribution to Jean Honoré Fragonard. As with all paintings in the early years, the oval portrait of an allegorical female figure (Mlle. Marie Madeleine Guimard) underwent x-ray and ultraviolet and other material examination and was studied by scholars and connoisseurs whose names, per procedures in those years, were not revealed. IFAR concluded that although the work was "extensively restored and enlarged at the edges … this [did] not affect the validity of an attribution … to Fragonard. The flowing composition, the free and rather thin handling of the paint [described elsewhere in the report as "indifferent" although perfectly characteristic], the subtle high-keyed palette, all recur in typical works of the artist in the 1770's."

Not all the works from the estate fared as well. Several turned out not to be by the artist to whom they were initially attributed.

The City of Miami Beach Seeks IFAR's Help—The Bass Museum

In 1971, IFAR accepted an authentication project that seemed to justify its very existence. The City of Miami Beach, Florida, embroiled for years in a controversy over a large private collection donated to it but whose authenticity was questioned, came to IFAR for help.

King David. Oil on oak panel. Submitted to IFAR by the City of Miami Beach. Determined not to be by Rembrandt.

Adoration of the Magi. Oil on panel. Submitted to IFAR by the City of Miami Beach. Determined not to be by Peter Paul Rubens.

The collection belonged to New York financier John Bass. Rumors about mis-attributions and fakes among the Bass collection circulated in the art world throughout the 1960s. In 1962, Mr. Bass attempted to sell his collection at auction at Parke-Bernet in New York (later taken over by Sotheby's). But because of doubts surrounding the collection, Part I of an intended two-part sale proved disastrous, and Part II never took place. The following year, Mr. Bass donated the remainder of his collection to the City of Miami Beach to create a museum bearing his name.

But the rumors persisted, led by a very public and, in retrospect, very courageous stand of the Art Dealers Association of America, which asserted that the collection "comprise[d] the most flagrant and pervasive mislabeling by a museum known to this association." Mr. Bass threatened a lawsuit against the ADAA, and a battle for public and political opinion was waged.

In 1971, the Miami Beach City Council turned to the newly created IFAR for impartial expertise to resolve the dispute. After much negotiation, IFAR accepted five of the works for review: two with attributions to Rubens, two to Rembrandt, and one to El Greco. Of one of the Rubens, an *Adoration of the Magi,* which IFAR subjected to x-radiograph, x-ray diffraction, and pigment analysis, in addition to study by several Rubens scholars, whose names, again, were kept confidential, one scholar wrote:

> On the basis of the x-radiograph, there was no similarity to Rubens' technique, or that of his school, in the underpainting. Moreover, the careful drawing, visible beneath the paint film, and the thin, miniature-type of brush stroke and exceedingly labored and careful rendition of the surface painting were also not characteristic and would not in any way suggest an attribution to Rubens.

Regarding a purported Rembrandt entitled *King David,* IFAR wrote: "the visible surface does not conform to anything we know by Rembrandt at any period of his activity."

A year later, the City of Miami Beach closed the Bass Museum of Art temporarily to prune it of the misattributed works.

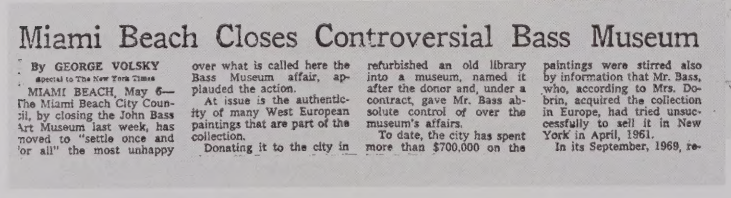
ART EXPERTS COME TO AID OF MUSEUM

Offer Bass Services to Help Authenticate Collection

Special to The New York Times

MIAMI BEACH, May 9—The City administration is receiving assistance from art experts in

The New York Times, May 8, 1972



Miami Beach Closes Controversial Bass Museum

By GEORGE VOLSKY

Special to The New York Times

MIAMI BEACH, May 6—The Miami Beach City Council, by closing the John Bass Art Museum last week, has moved to "settle once and for all" the most unhappy over what is called here the Bass Museum affair, applauded the action.

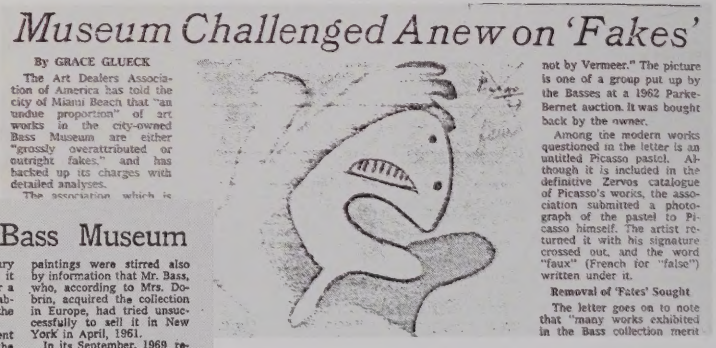
At issue is the authenticity of many West European paintings that are part of the collection.

Donating it to the city in refurbished an old library into a museum, named it after the donor and, under a contract, gave Mr. Bass absolute control of over the museum's affairs.

To date, the city has spent more than $700,000 on the paintings were stirred also by information that Mr. Bass, who, according to Mrs. Dobrin, acquired the collection in Europe, had tried unsuccessfully to sell it in New York in April, 1961.

In its September, 1969, re-

The New York Times, May 6, 1972



Museum Challenged Anew on 'Fakes'

By GRACE GLUECK

The Art Dealers Association of America has told the city of Miami Beach that "an undue proportion" of art works in the city-owned Bass Museum are either "grossly overattributed or outright fakes," and has backed up its charges with detailed analyses.

The association, which is

not by Vermeer." The picture is one of a group put up by the Basses at a 1962 Parke-Bernet auction. It was bought back by the owner.

Among the modern works questioned in the letter is an untitled Picasso pastel. Although it is included in the definitive Zervos catalogue of Picasso's works, the association submitted a photograph of the pastel to Picasso himself. The artist returned it with his signature crossed out, and the word "faux" (French for "false") written under it.

Removal of 'Fakes' Sought

The letter goes on to note that "many works exhibited in the Bass collection merit

The New York Times, October 1, 1969

• • •

A Higher Profile

By 1973, IFAR's reputation was established. The Art Advisory Council, enlarged and truly international, included many of the greatest scholars in the world. On March 13, 1973, IFAR presented a "Progress Report to the Art Community" at the Frick Museum. Members of the Art Advisory Council described results of three years of authentication research, highlighting not only mis-attributions, but several outright forgeries. Dr. Harry Bober, Avalon Professor in the Humanities at the NYU Institute of Fine Arts and Chair of IFAR's Art Council, described two paintings researched by IFAR – one attributed to Corot, another to Childe Hassam – which, under infra-red examination, turned out to bear the same forger's signature: "Simon." Two months later, in May, IFAR published its first newsletter.

In 1974, the New York State Council on the Arts (NYSCA) established a funding category enabling small museums to avail themselves of IFAR's authentication research services. Several did, including the Heckscher Museum on Long Island, which submitted ten paintings with initial attributions to, among others, Van Dyck, Courbet, Tiepolo, and Murillo. Unfortunately, the NYSCA funding initiative was short-lived.

BULLETIN

INTERNATIONAL FOUNDATION FOR ART RESEARCH, INC.

654 MADISON AVENUE, NEW YORK, N. Y. 10021 • (212) 751-1520

Volume I, Number 1 May, 1973

A PROGRESS REPORT TO THE ART COMMUNITY

Formed five years ago, largely at the suggestion of the Attorney General of the State of New York, who sensed the need for an impartial group of art experts to deal with the authentication of works of art, the Foundation has quietly emerged on the art scene to provide a much needed service to collectors, museums, universities, municipalities, and others interested in obtaining the most reliable information presently available about a work of art. Perhaps its emergence has been too quiet for, so far, the extent of its work has only been known to a small segment of the international art world.

Meeting at Frick Collection

Against this background, on March 13, 1973, the Foundation presented its first report to the art community at the Frick Collection. Among those who attended the meeting were representatives of government agencies, museums, scholars, dealers, lawyers and collectors. Three members of the Foundation's Board of Directors, provided a summary of various aspects of the Foundation's actions. Franklin Feldman, President, outlined its legal structure, its tax exempt status, its efforts at recruiting its outstanding Advisory Council, and its objective of providing a legal framework in which experts could freely provide opinions with reasonable assurance of immunity from litigation.

Identifying a Forger

Dr. Harry Bober, Avalon Professor in the Humanities at New York University's Institute of Fine Arts, detailed several case histories. In one instance, a painting whose attribution to Corot was under investigation was found to have three signatures—including that of the forger. When the picture was examined under infra-red light, the signature of the original artist, Armand Bouffa(z), was revealed. In addition, the forger had signed his own name, Simon, in the lower right hand corner, and then painted over it the well-known signature of Corot. Dr. Bober explained that the examining experts' greatest excitement came from the fact that they were already familiar with another painting with two layers of signatures, both forged. Under the visible signature of Childe Hassam was that of Renoir with the same forger's name, Simon, beside it. Not only was a work of art properly attributed, but further evidence was amassed in establishing the identity of a forger.

Service to Museums

H. Harvard Arnason, Trustee of the Guggenheim Foundation and noted art historian, explained the way in which the Foundation's services can benefit museums with limited staff and facilities. A question period followed.

Comment of Attorney General's Office

In a subsequent symposium held by The Association of the Bar of the City of New York, Mr. Palmer B. Wald, Assistant Attorney General of the State of New York, specifically referred to the formation of the Foundation as one of the significant contributions of that office.

The Foundation has now reached a point where it is recognized as an organization whose facilities can provide the independence and

(Continued on page two)

In conversations after the meeting: Joseph Rothman, Franklin Feldman and Hanno D. Mott, lawyers, and Edgar Munhall of the Frick Collection.

Bulletin: International Foundation for Art Research, May 1973 – IFAR's first newsletter.

IFAR examines a painting, 1970s. Left to right: Prof. Harry Bober, Chair, IFAR Art Council; David Vance, Pres., Museum Computer Network; Prof. Larry Majewski, Chair, NYU Conservation Center; J. Carter Brown, Director, National Gallery of Art.

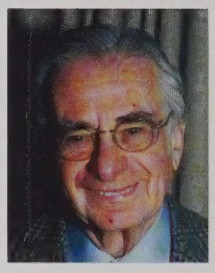
H. H. Arnason, Franklin Feldman, and Harry Bober (left to right) at IFAR presentation to the Art Community, March 13, 1973.

IN MEMORIAM

FRANKLIN FELDMAN

1927–2021

ATTORNEY, TRUSTED ADVISOR, FRIEND
President, IFAR's Board of Directors, 1972-1973; Board Member, 1971-1996
Law Advisory Council Member, 1987-2021



It is always sad to face the loss of people who have had long and close associations with IFAR.

It is particularly sad, however, to acknowledge the January 15, 2021 death of Franklin Feldman, an attorney associated with IFAR for almost 50 years. At his death, Frank was Chairman of IFAR's Law Advisory Council, a position he had held for many years. But his association with us went back to the early 1970s, when he served as President of IFAR's Board of Directors, starting in 1972. It was Frank who spearheaded IFAR's pioneering involvement with art theft in the 1970s and the creation of our Art Theft Archive and the *Stolen Art Alert*®, which is still published in the *IFAR Journal.* A corporate attorney at Stroock & Stroock & Lavan, Frank was also an artist, and he combined these two interests in his work at IFAR and other activities. Prior to joining IFAR's Board, Frank served as Chair of the Art Committee of the Association of the Bar of the City of New York. In 1974, he co-authored (with Stephen E. Weil) the publication, *Art Works: Law, Policy, Practice,* followed in 1986 by one of the first major textbooks in the still-fledgling field of art law, the aptly titled *Art Law,* which he also co-authored with Stephen Weil. Beautifully written and carefully researched, it remains, still today, a joy to read.

Over the years, Frank was a cherished counselor and wise advisor to IFAR, and a friend to many of us. For me, he was the Rock of Gibraltar, especially in my early years, the man to whom I turned for wise and thoughtful counsel. An elegant writer, he authored dozens of articles in IFAR publications and spoke at many IFAR programs. Not long before he died, Frank contributed "Reminiscences" to this special 50th Anniversary issue of the *IFAR Journal.* We publish these brief Reminiscences on the adjacent page, followed by just one of the many articles he wrote in *IFARreports* and *IFAR Journal* over the years, this particular article focusing on the ever-changing and always relevant subject of statutes of limitations as they relate to art theft and fraud claims.

Frank's passing is a big loss to all of us at IFAR. I, for one, already miss him greatly and extend, again, my condolences to his family.

—SHARON FLESCHER
Executive Director, IFAR

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Reminiscences

from FRANKLIN FELDMAN (written just before his death)

When IFAR was conceived fifty years ago, its essential purpose was to provide expert opinions regarding works of art, principally in disputes regarding attribution. To implement that purpose, a board of directors was created consisting of persons with impeccable and indisputably superb reputations in all areas of art. It clearly was an all-star cast.

Over the years though, its laudable purpose was augmented, with the admirable result that if it were subject to anti-trust laws creating monopolies, it would have no defense. So far as I know, there is no other organization, public or private, which provides any semblance of competition.

In my opinion, the key to its success has been singlefold: integrity: honesty, fairness, thoroughness, and no dependence on any one organization or individual, however wealthy or prominent.

Without listing all of its accomplishments, a short description hopefully should suffice: In addition to its Authentication Research Service, IFAR created what became the first database of stolen art – later licensed to and merged into the newly created Art Loss Register in 1991 — which reports all known art thefts (of which there are many). It is a database consulted by the major auction houses and individuals, both buyers and sellers. IFAR publishes a *Journal* with commissioned feature articles and news of recent developments regarding the sale or authentication of art or questions of legal title of art; it provides photographs and lists objects recently stolen or recovered; and it conducts seminars with distinguished experts on critical subjects currently facing the art world, both domestic and international.

A lot was accomplished in 50 years, not to mention that, after many years, there is still only a bare-boned full-time staff. And all this has been essentially overseen by three devoted and competent Executive Directors. The current director, Dr. Sharon Flescher, has devoted more than twenty years to accomplish a truly significant result.

• • •

The following article by Franklin Feldman appeared in *IFARreports* and is one of several he wrote about the same long-running legal case.

The Guggenheim Gets its Day in Court to Recover Chagall Gouache

One would have thought that the law in New York on the issue of stolen art and statute of limitations had, at least for a while, been settled. Not so. The recently decided case of *The Solomon R. Guggenheim Foundation v. Lubell* (decided January 25, 1990) has made a radical departure in the relevant law – and demonstrates that the law in this area changes almost as quickly as stolen art can surface.

In 1987 the important Federal Court of Appeals for the Second Circuit decided *DeWeerth v. Baldinger.* There it was held unanimously that Mrs. DeWeerth, a West German citizen who was a victim of a theft of her Monet painting immediately following the Second World War, could not recover the painting from Mrs. Baldinger, a New York resident who had purchased the property in 1957 as a good faith purchaser from a prominent New York gallery (Wildenstein & Co., Inc.). Essentially, the court held that Mrs. DeWeerth had not exercised "reasonable due diligence" in locating the whereabouts of the painting following knowledge of the disappearance. Accordingly, the basic rule which was thought

to exist in New York, that the statute of limitations does not begin to run until demand and refusal, was drastically modified by the decision to mean that demand must be preceded by the requisite standard of diligence. Although the Federal Court conceded that it was required to apply New York law and had available to it a procedure for requesting certification of that law from the New York Court of Appeals, the Federal Court felt that the procedure was not appropriate because the issue is not likely to "recur with significant frequency." This conclusion alone was highly questionable since thousands of thefts occur annually, and indeed IFAR has a file of more than 32,000 reported stolen items since it started collecting such information approximately 15 years ago. In any event, that case represented the burden that a theft victim had to face in New York.

The *Guggenheim-Lubell* case changes that, both in result and theory. There the Guggenheim Museum sought to recover a Chagall gouache painting, stolen from it in the mid-1960s and which was purchased by Mrs. Lubell apparently in "good faith" in 1967. The defendant relied essentially on the *DeWeerth* case – lack of reasonable diligence and failure to report the theft to the institutions which are routinely contacted when a work of art is stolen. The Guggenheim argued that its decision not to report the loss was a deliberate one; that if it had reported the theft, it would not have helped locate the painting and in fact might have driven the painting further underground.

The Appellate Division of New York (First Department) – a five person intermediate appellate court – unanimously rejected the *DeWeerth* rationale. Contrary to express language in *DeWeerth*, which rejected the concept of laches as controlling, the Appellate Division stated that the relevant issue was that of laches and not of statute of limitations. The concept of laches, an equitable concept, is that delay and prejudice are relevant, and issues of fact are significant. On the contrary, the doctrine of the statute of limitations is based on a fixed statutory period, and delay and prejudice are irrelevant.

IFARreports

Volume 11, Numbers 2.3
February - March 1990

Formerly the Stolen Art Alert and Art Research News

The Guggenheim Gets its Day in Court to Recover Chagall Gouache

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Franklin Feldman, *IFARreports* 1990

Further, the Appellate Division indicated that laches, as understood at least in New York, required an examination of the reasonableness of both sides, plaintiff and defendant. Furthermore, as implicit in the Court's holding, the issue cannot be decided by a court simply on the basis of a paper record; the issue requires the determination of facts, usually based on testimony. Accordingly, the Appellate Division returned the case to the lower court to determine the appropriate facts.

The immediate net result of the Guggenheim decision is that the statute of limitations with respect to recovering stolen art has basically been discarded. This conclusion is compelling, because if the defendant had an effective statute of limitations defense the plaintiff would have been ejected from the court. One successful affirmative defense is sufficient for a defendant to prevail. Thus by rejecting the statute of limitations and relying instead on laches – an equitable concept – the arbitrariness of the fixed period contained in the statute of limitations has, at least for the moment, been put to rest. And, of course, as with all sleeping princes, the rest may be interrupted at any time.

—FRANKLIN FELDMAN

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Dentons congratulates the International Foundation for Art Research on its 50 years of unbiased service to the art community.

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We applaud your ability to perform when it matters most

We congratulate IFAR on their 50th Anniversary.

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IFAR Expands Its Purview:

Art Theft Presents New Challenges and Opportunities

The Plundered Past

In the 1970s, the art market had a new problem on its hands: art theft and the related but different problem of antiquities (see next section), due in part to skyrocketing art prices. As early as 1971, IFAR's Board raised the possibility of creating a central file on stolen art and mentioned it the next year in its long-range plan, but it didn't act immediately. In 1973, journalist Karl E. Meyer (who passed away only recently, in 2019) published *The Plundered Past,* and in it, with IFAR's approval, suggested a new role for IFAR:

> A non-profit body with a distinguished and unpaid Board of Directors, the Foundation [IFAR] has as its major purpose the gathering of information on controversial works of art that are brought to it for examination. It could, in theory, evolve into a multi-national clearinghouse for the exchange of computer data, or of descriptions of lost, stolen, or plundered art. The Foundation's aims are as widely applauded as they are indifferently supported.

IFAR published an article by Mr. Meyer in its May 1973 *Bulletin,* where he repeated the suggestion:

Karl E. Meyer, *IFAR Bulletin,* May 1973

> If one point has become clear to me in three years' research on the destruction of art and antiquities, it is that more information is the single most vital need in the entire preservation field. Take, for example, the problem of art thefts. Such thefts are routinely reported in the country in which they occur, but whether news of such robberies appears in the American press depends largely on whether typographic workers need a "filler" to add at the bottom of a story to make up a page. …
>
> While it is true that Interpol … send[s] out circulars on major art thefts, these circulars go to a restricted audience of national police forces and leading dealers.
>
> There are no international bulletins on art thefts; there is no clearinghouse for such information. One result is that most people are unaware of the scale of the problem simply because of the paucity of *information.*
>
> It seems to me that one possible direction of future development of the International Foundation is to help create just such a privately-endowed clearing-house. We need a specialized bulletin which would provide a comprehensive monthly report on what has been stolen. We need statistics on the number of thefts. We need information.
>
> Surely it is unconscionable that the great art of the world should be brazenly pillaged by thieves who know all too well how slowly information circulates about the works they steal. Ideally, there should be a local correspondent in every art-rich country who could instantly transmit news of a theft to an international center, where information could be distilled in a monthly bulletin, preferably published in three or four languages. The idea, at the very least, is worth investigation as the Foundation continues to consider its future role.

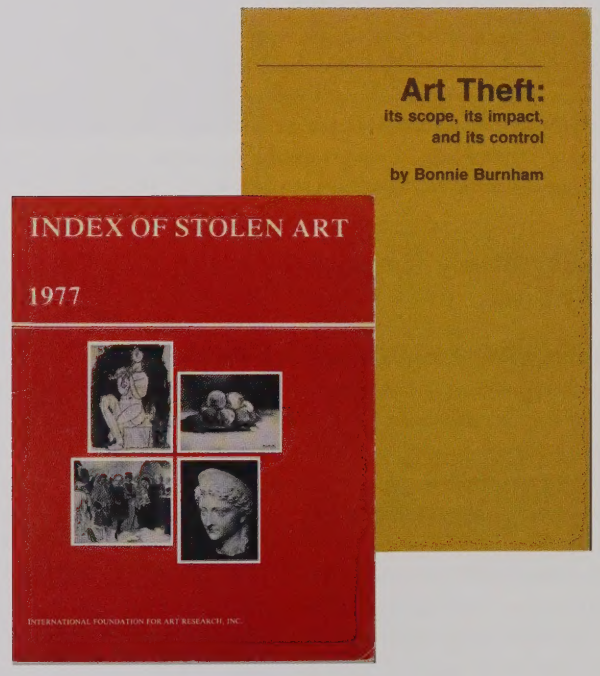
Feasibility Study for an Art Theft Archive

Excerpts from *The Plundered Past* were published in *The New Yorker* and were read by A. A. Heckman, Director of The Jerome Foundation in Minnesota, which offered IFAR a grant of $100,000 to explore the feasibility of establishing a clearinghouse for information on stolen art, which IFAR was already considering. Some scholars on IFAR's Board were hesitant, fearing it would detract IFAR from its primary, scholarly purpose. But the size of the grant, given the fundraising difficulties IFAR had faced since its inception (and still does), was too large to ignore. IFAR accepted, and a new phase in its history began.

"Significantly, they trusted IFAR to oversee that information ..."

IFAR hired Bonnie Burnham, already an authority on art theft, as a consultant to spearhead the theft project. It was not a simple task. As Ms. Burnham wrote in 1999 in the *IFAR Journal* (Vol. 2, no. 4), "the principal contributors to and potential users of such an archive were far from convinced that they should cooperate. Before the idea could be put into practice, IFAR had to establish confidence across professional sectors that normally had nothing to do with each other."

The Art Theft Archive feasibility research and report took three years; the results were incorporated into a study of international art theft published by IFAR in 1978, *Art Theft: It's Scope, Its Impact, and Its Control.* In it, IFAR analyzed its two-year (1976-77) feasibility survey of North American museums and a related smaller survey of the gallery community. The survey's purpose was to determine the scope of the art theft problem in North America, where, by general accounts, it was less than in Europe, and also to determine whether the art community would support a central archive for information on stolen art. The results convinced IFAR to proceed.



Below are highlights from the study:

Museum Survey:

Questionnaires were sent to 271 U.S. and 12 Canadian museums; 85% replied. Of these, approximately:

- 65% of respondents had experienced a theft within the previous 5 years.
- 10.4% had experienced more than 5 thefts.
- In 64% of the theft cases, the thieves were not yet caught.
- 25% had never reported their thefts outside the museum.
- 80% of respondents supported the idea of an Archive for reporting art thefts.
- 49% expressed a willingness to send information about past thefts immediately to an IFAR Archive; others wanted assurances of confidentiality or to wait until the Archive was established.
- Only 1 museum outrightly rejected the idea of contributing to a central IFAR Archive.

Gallery Survey:

307 galleries were polled; approximately 20% responded.

- 72% of respondents had experienced a theft.
- 41% of the thefts occurred during visiting hours.
- 60% of respondents would willingly supply information to the Archive.
- 80% of respondents supported the idea of an Archive for reporting art thefts.
- 73% of respondents thought an Archive useful as a reporting center in event of theft.
- 65% thought an Archive useful as a means of checking on or reporting objects suspected to be stolen.

On the basis of the feasibility study, IFAR established the Art Theft Archive in 1977. The Archive served both as a center to which information about art thefts could be reported, and as clearinghouse where the theft status of an object could be researched. At the end of its first year, IFAR published the *Index of Stolen Art, 1977,* listing all the stolen works registered. It included 400 theft incidents comprising 1,500 objects.

The following year, Bonnie Burnham became IFAR's first official Executive Director. Edwin L. Weisl, Jr., an attorney, art collector, and former Assistant Attorney General of the U.S., became IFAR's new President.

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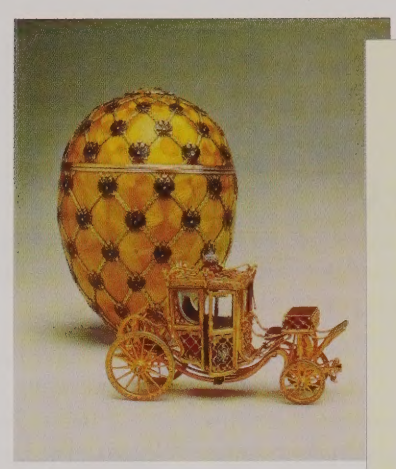
Growth of the Art Theft Archive



The Board of Directors of the
International Foundation for Art Research
requests the pleasure of your company
at a cocktail reception and private viewing of

The Forbes Magazine Galleries

to benefit IFAR's Art Theft Archive

Wednesday, October 21
6:30 - 8:30 p.m.
at
The Forbes Building
60 Fifth Avenue
(corner of 12th Street)

Art Theft Archive

The world's most comprehensive archive of stolen art records is maintained by the International Foundation for Art Research. The listings of 27,000 missing paintings, sculptures, antiquities, and decorative arts are helpful in effecting recoveries.

In the ten years since the Art Theft Archive was established, technological advances have made it imperative to computerize these records to close the net on the international traffic in stolen art.

By the mid 1980s, ten years after the launching of the Art Theft Archive, alternatively referred to as the Stolen Art Archive, approximately 27,000 items were registered. More importantly, the Archive effected a sea change in attitude toward art theft. The public and the art field accepted the need for an international clearinghouse of information on stolen art and for the sharing of information that once would have been considered privileged. Significantly, they trusted IFAR to oversee that information, which was growing too quickly to search manually, although responses always came within 24 hours. With the help of a grant from the Getty Trust in 1983 and 1984, IFAR began computerizing its records. The first stage of computerization was so successful that Interpol adapted IFAR's program for several of its own offices. In 1987, IFAR held a benefit event to raise funds to computerize the Archive. *Forbes Magazine* provided its galleries. Christopher Forbes, Associate Publisher, *Forbes Magazine*, chaired the Honorary Committee, which included Philippe de Montebello, Director, The Metropolitan Museum; John Walsh, Director, The J. Paul Getty Museum; and the Ambassador of Italy, Rinaldo Petrignani.

Creation of the ALR, 1991

But, as a not-for-profit organization lacking an endowment, IFAR's ability to raise the enormous funds needed to develop a state-of-the-art computer system for its growing database was limited. Moreover, a feeling existed on the part of some grantmakers that the commercial interests which they believed most benefited from it, and not philanthropy, should support the Art Theft Archive. This lead IFAR to seek another way to fund the Archive, which by 1990 had grown to about 35,000 records. Several businessmen from England with years of experience in the insurance industry saw the revenue potential in expanding the Archive and introducing more sophisticated image databases. Negotiations with IFAR led to the creation in 1991 of a commercial venture called the International Art and Antiques Loss Register, better known as The Art Loss Register (ALR).

IFAR entered into an agreement whereby it licensed its theft records to the ALR but retained ownership of them and became co-owner of the later records. By a separate agreement, IFAR became the U.S. Managing Agent for the ALR for the next 5 years. This arrangement provided continuity for the public and enabled the ALR to profit from IFAR's experience and credibility. It also permitted IFAR to remain closely involved in a pioneering project it had nurtured over a 15-year period. IFAR retained the right in perpetuity to publish its *Stolen Art Alert*® and have access to its theft records. When the Management Agreement ended, all searching and registration was transferred to the ALR. The two organizations are now completely separate—one a not-for-profit; the other a for-profit, but work closely in producing the *Stolen Art Alert*® in the *IFAR Journal*. The shift freed IFAR to re-assert its educational and research mission, and as such, create the new *IFAR Journal,* strengthen its Authentication Research Service, expand its public programming, and develop new online digital resources (more about that below). Art theft, looting, ownership and issues of legal title, however, remain strong areas of interest.

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Reminiscences

from Lynn Stowell Pearson
Director, IFAR's Art Theft Archive, 1983-1987

Today a single art theft record can be pulled up with just the click of a mouse, so it is hard to remember what it was like to search thousands of stolen art records in the 1980s without a computer.

A single inquiry to IFAR's Art Theft Archive (the original title of the Stolen Art Database) would have taken anywhere between 15 and 45 minutes. Each object was searched manually through the index of the *Stolen Art Alert*® publications by artist's name, or by categories like "Decorative Arts," "Greek and Roman Antiquities," "Oriental Art," and so on.

In 1984 alone, IFAR's Art Theft Archive added 4,100 theft reports. Every object received an accession number and a description for publication in the *Stolen Art Alert*®. Each theft record would have included the name of the person or agency reporting the theft, where and when it occurred, a full description of the object, and photos if available.

Stolen Art Alert

Informer Uses IFAR to Return Stolen Rembrandts

Stolen Art Alert®, December 1983

As a trusted source of confidential information, IFAR held the unique position as the only private sector organization to receive and disseminate art theft reports originating from law enforcement agencies that included Interpol, Scotland Yard, U.S. Customs, New York City's "Art Cop," and police departments throughout the country. IFAR also received theft reports from art dealers, art museums, galleries, private collectors and insurance adjusters.

In addition to the maintenance of the Art Theft Archive, the publication and mailing of the *Stolen Art Alert*®, a stand-alone publication in the 1980s, but now incorporated into the *IFAR Journal*, was not only time consuming but costly. Today an email alert would reach subscribers around the world instantly. However, during the 1980s, it would have taken as much as 5 weeks to get a theft report into a subscriber's hands. The text had to be typeset and proofed and photos were scanned, after which a designer cut and pasted the text and photos onto boards that were sent to the printer for publication. The *Stolen Art Alert*® was mailed 10 times a year to subscribers and law enforcement agencies.

The reward for all of this tedious work occurred when IFAR was instrumental in a recovery.

The following are just some of the thefts and recoveries I recall from my time at IFAR, one of which is illustrated in the theft section of this special *IFAR Journal* issue.

In 1983, five Rembrandt prints – three from the George Arents Research Library of Syracuse University and two from the National Gallery of Canada in Ottawa, now known as the Museum of Fine Arts Ottawa, were stolen. Publicity surrounding this theft played a crucial role in the recovery.

A man using the name of "Dr. Thomas Cruz" gained access to "study" several Rembrandt prints by telling staff members he was writing a book on the artist. Cruz visited Ottawa's National Gallery twice, but

shortly after his second visit, a curator discovered that two of their Rembrandt etchings had been substituted with a photocopy.

The National Gallery alerted collections in the area, after which the George Arents Research Library at Syracuse University came forward to report that a "Dr. Cruz" had also gained access to their collection. Three of their Rembrandt prints had also been stolen and substituted with photocopies. A police sketch of "Cruz" was sent to IFAR, print collections and the media. IFAR in turn alerted galleries, dealers and auction houses.

The same morning that the police sketch of "Dr. Cruz" appeared in a Syracuse newspaper, a man telephoned IFAR. It was a Saturday, and, fortunately, one of my colleagues was in the office. The caller said, "There are two Rembrandt prints from the National Gallery in Ottawa and three from the George Arents Research Library in Syracuse University in locker number 137 at Grand Central Terminal. You know what I am talking about, right?" IFAR immediately notified the FBI and met FBI agents at Grand Central to open locker #137. All five Rembrandt prints were recovered in good condition and were later authenticated by the curator of prints at the National Gallery.

IFAR was often the first place for art dealers to call, especially when they were being offered art under suspicious circumstances.

In March 1984, two men walked into a Madison Avenue gallery with three paintings wrapped in towels: two still lifes by François Garnier and one by Jan Davidsz de Heem, which, in 1984, would have been conservatively valued at $300,000. The dealer, Simon Parkes, negotiated a selling price. One of the men asked how much 30 percent of the total would be, and the other wanted to be paid in cash. The dealer went into the back room of his gallery and called IFAR, and we confirmed the paintings had been stolen.

Stolen Art Alert

Madison Avenue Recovery

Stolen Art Alert, April 1984

IFAR put the dealer in touch with the insurance adjuster who had reported the June 1983 theft from a Long Island warehouse. The insurance adjuster called police, and the dealer made arrangements to meet the thieves the next day with certified checks on Madison Avenue at 76th Street, which was lined by police in plain clothes. The thieves were arrested and the paintings recovered. Unfortunately, another painting and a Henry Moore sculpture, stolen at the same time, were not part of this recovery.

In addition to theft reports, the *Stolen Art Alert* also included articles on major thefts as well as information on art thieves. When a new issue of the *Stolen Art Alert* arrived in the mail, subscribers were able to catch up on the latest news about thefts and thieves. In 1986, an IFAR member, an antiquities collector, was shocked when he opened the latest issue of *IFARreports*, our then periodical, and recognized the relief he had recently purchased in good faith from a dealer. The subscriber immediately called us, and a few days later IFAR presented the Roman relief of the goddess Aeterna Roma to Senior Agent Charles Koczka of U.S. Customs at a press conference held at the Italian Consulate in New York City. The relief had been crated for shipment to an exhibition when it was stolen near Naples, Italy in 1985.

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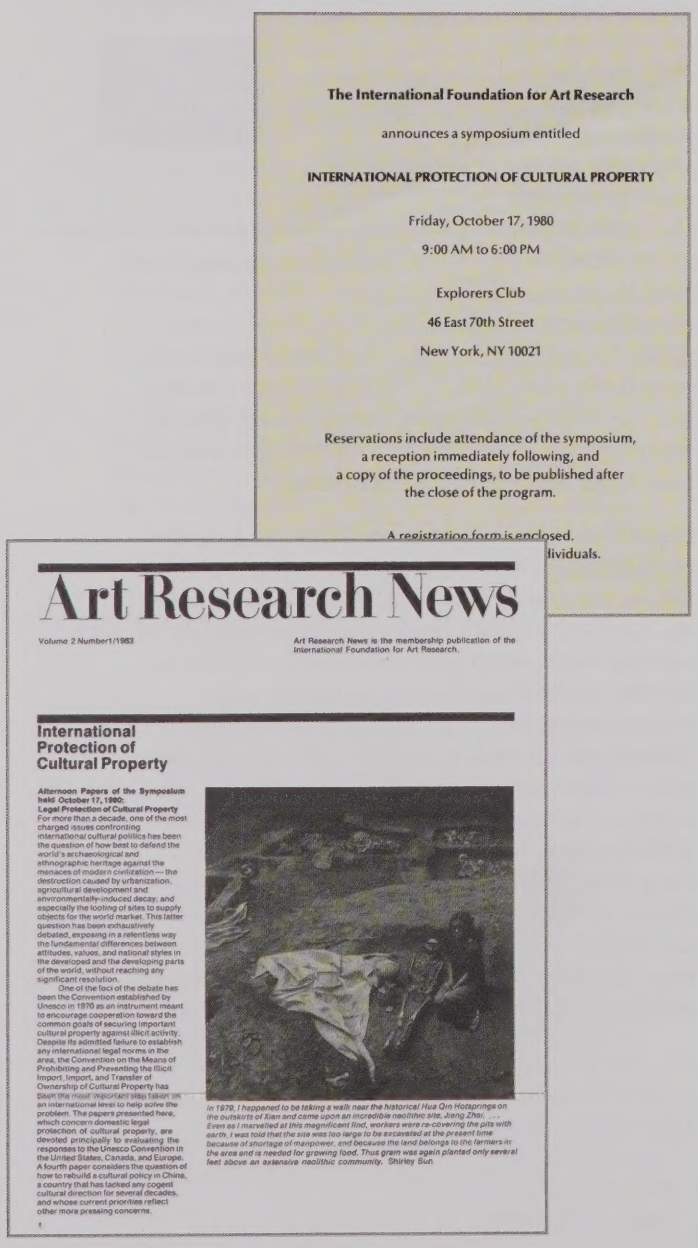
Cultural Heritage and Its Protection



The International Foundation for Art Research

announces a symposium entitled

INTERNATIONAL PROTECTION OF CULTURAL PROPERTY

Friday, October 17, 1980

9:00 AM to 6:00 PM

Explorers Club

46 East 70th Street

New York, NY 10021

Reservations include attendance of the symposium, a reception immediately following, and a copy of the proceedings, to be published after the close of the program.

A registration form is enclosed.

lividuals.

Art Research News

Volume 2 Number1/1983

Art Research News is the membership publication of the International Foundation for Art Research.

International Protection of Cultural Property

Afternoon Papers of the Symposium held October 17, 1980:

Legal Protection of Cultural Property

For more than a decade, one of the most charged issues confronting international cultural politics has been the question of how best to defend the world's archaeological and ethnographic heritage against the menaces of modern civilization — the destruction caused by urbanization, agricultural development and environmentally-induced decay; and especially the looting of sites to supply objects for the world market. This latter question has been exhaustively debated, exposing in a relentless way the fundamental differences between attitudes, values, and national styles in the developed and the developing parts of the world, without reaching any significant resolution.

One of the foci of the debate has been the Convention established by Unesco in 1970 as an instrument meant to encourage cooperation toward the common goals of securing important cultural property against illicit activity. Despite its admitted failure to establish any international legal norms in the area, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Import, and Transfer of Ownership of Cultural Property has been the most important step taken on an international level to help solve the problem. The papers presented here, which concern domestic legal protection of cultural property, are devoted principally to evaluating the responses to the Unesco Convention in the United States, Canada, and Europe. A fourth paper considers the question of how to rebuild a cultural policy in China, a country that has lacked any cogent cultural direction for several decades, and whose current priorities reflect other more pressing concerns.

In 1979, I happened to be taking a walk near the historical Hua Qin Hotsprings on the outskirts of Xian and came upon an incredible neolithic site, Jiang Zhai. . . . Even as I marvelled at this magnificent find, workers were re-covering the pits with earth. I was told that the site was too large to be excavated at the present time because of shortage of manpower, and because the land belongs to the farmers in the area and is needed for growing food. Thus grain was again planted only several feet above an extensive neolithic community. Shirley Sun

1980 IFAR Symposium

Along with the rise of art theft in the 1970s, came the growth of art looting and the recognition that something had to be done to protect the world's cultural heritage from destruction and reduce international trafficking of looted objects. But it was a charged issue and exposed a divide in values and attitudes between what have generally been labeled "source" countries, rich in ancient treasures, and "market" countries (e.g., the U.S. and Western Europe) that collect and exhibit the treasures, as to how to address the problem. Tensions evident at that time between the "collecting" community (including museums and the marketplace) and the archaeological community and source countries are still evident today.

In November 1970, the UNESCO Convention was adopted (full name: The 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property). The U.S. Senate ratified it in 1972 by a vote of 79–0, but it was not self-executing, and it took another 10 years for the United States to enact the necessary domestic implementing legislation, which it did with the Convention on Cultural Property Implementation Act of 1983. The pros and cons were endlessly debated during this period, effectively creating a "stand-off." Once again, IFAR stepped in, this time providing a forum for discussion of the hotly contested issue and, as was stated at the time, "to offer a ground for accommodation between groups which, while they share common interests, often meet in opposition."

The result: A full-day IFAR Symposium on: International Protection of Cultural Property on October 17, 1980, with representatives from the museum world, academia, the archaeological community,

and the marketplace. Among them, the Honorable William P. Macomber, President of the Metropolitan Museum; Sherman E. Lee, Director of the Cleveland Museum; Malcolm H. Wiener, Former General Counsel, the Archaeological Institute of America; R. Ross Holloway, Director, Center for Classical Archaeology and Art at Brown University; and Douglas Ewing, President of the Association of Dealers in Ancient, Oriental and Primitive Art. IFAR's President, Edwin L. Weisl, made the opening remarks.

The proceedings were published in two dedicated issues of IFAR's publication, *Art Research News* (Vol. 1, no. 2; Vol. 2, no. 1). This was the first of many IFAR initiatives to help in the cultural property arena.

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IFAR's Cuzco Inventory

In 1983, Spanish Colonial Paintings in the Cuzco region of Peru were at extreme risk of looting. Often remotely situated and poorly funded, yet rich in artworks, these Andean churches were an easy target for thieves. At the request of the Peruvian government and the Archbishop of Cuzco, through the introduction of an American attorney Frederic J. Truslow, whose Washington, D.C. law firm represented Peru, IFAR and its then Executive Director Bonnie Burnham undertook a discrete, but ambitious and prescient project that still resonates today. Over the course of a period of two years, IFAR spearheaded a team of researchers to photograph and document more than 2,000 vulnerable artworks still in situ in the churches. In the years since then, many — too many — of the inventoried paintings have been stolen, many landing in the United States. The IFAR Cuzco Inventory has often been the only means of demonstrating that they were taken from the documented churches post 1983-84, and has been an enormous aid to law enforcement.

The partial article below by Frederic Truslow, one of two feature articles published thus far in the *IFAR Journal* on this subject (in addition to several in prior IFAR publications), describes the Inventory project in more detail:

CONT. →

Congratulations – 50 times!

Lewis I. Haber and Carmen Dubroc

The following three pages are excerpted from an article that originally appeared in the *IFAR Journal*, Vol. 5, no. 1, 2001/02, pp. 48-55:

Putting the IFAR Cuzco Inventory to Work

FREDERIC J. TRUSLOW*

PREFACE: In 1983-84, IFAR organized, staffed, and found funding for a photographic inventory of 2,252 Spanish colonial paintings in 34 churches and one museum in and around Cuzco, Peru. The project was undertaken at the request of the Archbishop of Cuzco and the Peruvian government at a time of increasing thefts from vulnerable churches, but since that time these entities have not made use of the inventory. Plans are now under way for it to take on its intended role as a means of identifying the contents of these churches, protecting against theft, aiding in recoveries, and supporting research and education. This article explores the additional steps needed, after the photographs have been taken and the index cards filled in, to turn this data into a useful tool for art protection and academic research.

• • •

As the seat of Spanish colonial government and the Catholic Church in South America for 300 years, Peru possesses an extraordinary heritage of religious buildings, art works and furnishings. Much of this heritage, particularly the contents of rural churches, is disappearing through theft, dissipating an irreplaceable cultural record and scattering an essential resource for religious worship, tourism, academic research, and local development.

Official statistics of the National Police of Peru show, for example, that 130 churches reported thefts during the period 1996-2000, including 74 churches in the Cuzco area. The police estimate, however, that losses were underreported and that they actually affected over 200 churches in the country during that period.[1] Over approximately the same period, some 2,700 works, valued at more than $8,000,000, were estimated to have been stolen.[2] In some regions the rate of loss is even greater. The Archbishop of Huancayo, in the central mountain region, estimated in December of 2000 that over half of the 16th, 17th and early 18th-century art in the churches within his jurisdiction had been stolen, and a local art historian estimated that of 1,500 works originally in the area, only 500 remain.[3]

Although the losses and occasional recoveries are recurrent front page news in Lima newspapers,[4] Peru does not have an effective system for the protection of its colonial heritage. The quantity of places and works to be protected is huge (thousands of colonial churches, many in remote locations, and an estimated 1,000,000 religious paintings and many more millions of objects of all kinds produced in the Colonial period). Rural churches often do not have priests, and sometimes not even custodians, in residence. Public resources are scarce, and other priorities, including poverty and terrorism, more pressing. The heads of relevant government agencies change frequently. Government, church, and private organizations have often been unable or unwilling to work together. Law enforcement is lax and convictions for theft rare. Meanwhile the market value of colonial art increases, and with it the boldness and sophistication of thieves.

A major handicap has been that Peruvian churches and museums generally lack organized and accessible photographic inventories. Photographs are, of course, an essential part of any protection regime, since they make it possible to identify and prove prior ownership of a stolen work.

How can this gap be filled? Commentators and policy makers in Peru tend to picture a comprehensive national inventory, extol its obvious virtues, and then bewail the difficulties of funding and organizing such an enormous effort. They may be approaching the problem from the wrong end. A better place to start is with the photographic collections or inventories, like the IFAR inventory, that already exist, thanks to many different independent organizations or individuals, and cover thousands of colonial art works in every part of the country.

These existing inventories are not comprehensive, and vary in focus, quality, and availability, but provide important raw material for the creation, in the future, of an accessible, well-organized database. They have three great virtues:

* Frederic J. Truslow, Chairman of the Board, ILAAD. ©2002.

1 El Comercio, Lima, Peru, December 25, 2000, p. 1.

2 El Comercio, June 21, 1999, p. a2.

3 El Comercio, December 26, 2000, p. a8.

4 As recently as February, 2002, two paintings were stolen from a church in Tinta, near Cuzco, covered by the IFAR inventory. Fortunately good police work produced a recovery. *La República*, Lima, Peru, February 10, 2002, web page 1.

Figure 1. *Virgin and Child appearing to St. Peter Nolasco*, 18th century, oil on canvas, 124 x 110 cm. Missing from St. Peter the Apostle Church, Urubamba. Photographed 1983 by IFAR.

Figure 2. *Madonna of the Rosary with Sts. Francis and Dominic*, 18th century, oil on canvas, 192 x 134.5 cm; hole on St. Francis' eye. Missing from St. Peter the Apostle Church, Urubamba. Photographed 1983 by IFAR.

First, many of them were created by experienced art historians or connoisseurs, and reflect the knowledge and sophistication of their creators. Second, they are literally irreplaceable, as many of the art works photographed have since been stolen or disappeared. And third, it is considerably less expensive to start a database from existing photographs than from scratch.

What has to be added to make these existing inventories useful? First, the inventories generally predate the computer, and need to be digitalized, using one of the powerful

"... Peru does not have an effective system for the protection of its colonial heritage."

software programs now available for organizing images and data. This will allow the structuring, searching, accessing, and communication, at low cost, of an otherwise unwieldy quantity of material. It is most important to design and input the database under the guidance of expert art historians with real knowledge of the material being inventoried, since the database will need an accurate and well designed classification system supporting both academic research and easy searches for specific works.

Second, it is necessary that the inventories reach critical mass: there should be enough works accessible in the database so that it is worth consulting. This can be accomplished at the start either through consolidation of existing inventories or the sharing of data between networked inventories. Thereafter, the database needs to continue to grow. A system should be created for adding new information steadily, both from other existing inventories and from new photographic campaigns.

Third, there needs to exist an ongoing organization or alliance of organizations devoted to assuring that the database will be used both for academic purposes of education and research, and also to provide information about lost or recovered works to police and other art protection organizations. Well-established fields of art have their academic and cultural champions, but the field of Latin American colonial art is just getting started. The creation of the database would in itself advance this process of institutionalization, providing a methodology and an encouragement to the owners and custodians of Peru's heritage to create more inventories, and to better use the available information for art protection. But the process must be a voluntary and cooperative one; it can succeed only if owners of existing inventories are willing to make them available, and if government, church, academic, and cultural organizations are ready to work together.

THE IFAR CUZCO INVENTORY

The IFAR Cuzco inventory is an important part of this mother lode of already collected information. I was fortunate to be present at its creation by the Comité Central de Defensa del Patrimonio Artistico Religioso del Cuzco in Cuzco in the summer of 1982. The Committee, a blue ribbon group including the Archbishop of Cuzco, the local director of the National Institute of Culture (INC), the Mayor, and other dignitaries, had been formed to combat thefts from churches in the area. My law firm in Washington, D.C. was at the time counsel to the Government of Peru for the recovery of its cultural patrimony. Some of the cases we had handled involved colonial art recoveries, but it was exceptionally difficult to recover the stolen works without

Figure 3. *St. Judas Thadeus*, 18th century, oil on canvas, 160 x 97.5 cm. Missing from St. Peter the Apostle Church, Urubamba. Photographed 1983 by IFAR.

Figure 4. *Virgin Mary*, oil on canvas, 128 x 78 cm. Missing from Santiago Church, Ollantaytambo. Photographed 1983 by IFAR.

a pre-theft photograph as positive identification. By pure chance I was in Cuzco, and attended a meeting of the Committee at which this problem was discussed. The Committee decided to undertake an emergency photographic inventory in the churches of the Department of Cuzco.

On returning to the States, I called Bonnie Burnham, then Executive Director of IFAR. IFAR had already established a reputation as a leader in the field of art theft recovery. Thanks to Bonnie's enthusiasm, IFAR spearheaded funding for the project through the Samuel H. Kress Foundation, the Organization of American States, and some private donors. The inventory was carried out jointly by IFAR, the Archdiocese of Cuzco, and the INC, and total IFAR funding was approximately $47,000. Many people, too many to name here, generously volunteered their time and support.

"The inventory was carried out jointly by IFAR, the Archdiocese of Cuzco, and the INC."

Field work began in August 1983, when a group of six international volunteers assembled by IFAR, including four art historians and two photographers, joined a Peruvian cataloguing team from the INC and the lay organization of the Archdiocese, the Asociación Populorum Progressio. The local communities take very seriously the protection of their churches; the first visit by the team to a church outside Cuzco, the richly decorated Church of the Immaculada in Checacupe, set off a riot led by the local mayor in defense of the town's patrimony, which was only calmed through the intervention of the Archbishop. As word spread, however, that the visitors were defenders, not looters, work proceeded more smoothly, and by the end of the first campaign, 327 paintings had been photographed, 12 churches inventoried, and IFAR and the team were declared honorary citizens of Cuzco.

On the second visit, in December 1983, the IFAR and Peruvian team focused on the Sacred Valley of the Urubamba, the valley that leads to Machu Picchu, photographing 637 paintings in 16 churches. A third campaign, in July 1984, covered many of the larger collections within the city proper, photographing 1,288 paintings in 6 churches plus the Archbishop's museum. The inventory focused almost exclusively on paintings, inventorying in all 2,252 paintings in 35 churches and one museum. It also included about 50 silver objects. A particular accomplishment of the project, as an "Emergency Inventory" aimed at documenting works vulnerable to theft, was to include in its coverage about 750 paintings in 22 of the smaller, less protected rural churches.

The emergency nature of the project caused the team to limit itself to photographing and basic identification of the largest possible number of works. Attention was paid to lighting and, where necessary, works were brought down from the walls to get good pictures. Only a limited amount of other cataloguing information was recorded, generally the subject matter of the work, its location in the church, and sometimes its condition or the extent and nature of damage. In almost all cases the authors of the works, painted in the 16th to 18th centuries, were anonymous, and styles and periods were not generally identified. Almost all photographs were 35 mm black and white, with several hundred larger negatives in the first campaign, and about 100 color slides in the third campaign. . . .

IFAR's Art Law and Cultural Property Database

At the time of the 1970 UNESCO Convention and the U.S. implementing legislation of 1983, only a few countries had enacted laws, often referred to as "patrimony laws," declaring government ownership of antiquities in their soil or otherwise protecting their cultural property from destruction or looting. But in the next decades, dozens of countries enacted such laws. The mushrooming of these laws and the difficulty of locating them in the original language, let alone in English translation, together with an exponential growth in legal cases involving art and cultural property law (see elsewhere in this *Journal* issue), was the impetus for IFAR's 2008 launch of another important initiative: the Art Law & Cultural Property Database – another instance of IFAR creating a solution to a pressing problem. The Database, part of a larger IFAR initiative to expand its online digital resources, gathers in one place hundreds of legal documents in original language and English translation from, currently, more than 130 countries, and also many hundreds of Case Law Summaries in IFAR's fields of interest. It is a living Database, expanded and updated regularly, and is proving to be an essential tool in the ever more stringent due diligence process now required of collectors, museums, dealers and all others interested in acquiring art in a legal and ethical manner. The Institute of Museum and Library Services (IMLS) awarded IFAR a National Leadership Grant as seed money for the project in 2004, calling it "invaluable" for the museum community.

A page from IFAR's Art Law & Cultural Property Database.

IFAR

www.ifar.org
International Foundation
for Art Research
500 Fifth Avenue
Suite 935
New York, NY 10110

"It is invaluable—a major contribution to the research tools in this field."

Sharon Cott,
General Counsel of the
Metropolitan Museum of Art

"IFAR's Art Law & Cultural Property Website is ***an unmatched digital resource for students, attorneys, art professionals, and others interested in American and international art and cultural property law.*** *Well organized, with complete coverage of international and national legislation and cross references to case law and authoritative commentaries,* ***it is continuously updated by an organization known for integrity and scholarship. It is an essential tool for anyone doing serious work in cultural heritage law and policy."***

John Merryman,
Late Sweitzer Professor of
Law and Affiliated Professor
of Art, Emeritus, Stanford
University

"An invaluable resource for anyone involved in the art world."

The late Judith Bresler, art
law attorney and co-author of
the textbook *Art Law*

IFAR Art Law & Cultural Property Database

IFAR's *Art Law & Cultural Property* Database is a comprehensive online research tool to help navigate the rapidly increasing and diverse body of legislation and case law concerning the acquisition, authenticity, export, and ownership of art objects. It includes information that is difficult to find elsewhere, and it does so in an attractive, easy-to-use format.

Developed by the International Foundation for Art Research, a nonprofit educational and research organization, together with distinguished legal advisors, the Database draws on archives amassed by IFAR over its fifty-year history, as well as extensive new research. It is continually updated and expanded.

The IFAR Art Law & Cultural Property Database gathers in one place:

- **International cultural property ownership and export legislation from more than 130 countries**, including English translations and original texts, as well as current and historical legislation, all linked to summaries of each country's legislation presented in a "snapshot" view
- **Summaries of U.S. case law** (including out-of-court settlements as well as litigated decisions) in the following IFAR fields of interest:
  - ▶ World War II-era / Holocaust-era Related Art Loss
  - ▶ Cultural Property (Antiquities) Disputes over Non-United States Property
  - ▶ United States Cultural Property
  - ▶ Art Theft and Other Ownership Disputes/Claims
  - ▶ Art Fraud, Attribution, Authenticity, Forgery, Libel, Defamatory Statements
  - ▶ Valuation/ Appraisal
  - ▶ Copyright and Moral Rights
- **Associated legal decisions,** linked to the case law summaries, which provide context and relevant documents for students and researchers
- **International conventions and bilateral agreements**
- **Cultural property contact information** for government officials worldwide
- A **glossary** of legal terms; a section on **U.S. statutes**; **images of artworks** cited in the legal cases (which no other database of this kind has); and **links within the site and to other resources**
- **Current standards and guidelines** for museums, dealers, archaeologists, and other arts professionals and organizations

Developed with the help of a National Leadership Grant from the Institute of Museum and Library Services and the support of the Robert Sterling Clark Foundation, the Peter J. Sharp Foundation, the Samuel H. Kress Foundation and other prestigious organizations, the IFAR Art Law & Cultural Property Database is widely used by academics, students, attorneys, government officials, museum staff, gallerists, journalists, and others involved in studying, collecting, selling, exhibiting, insuring, and authenticating art and cultural objects.

For more information about the Database, please visit *http://www.ifar.org/art_law.php*.

IFAR Programs

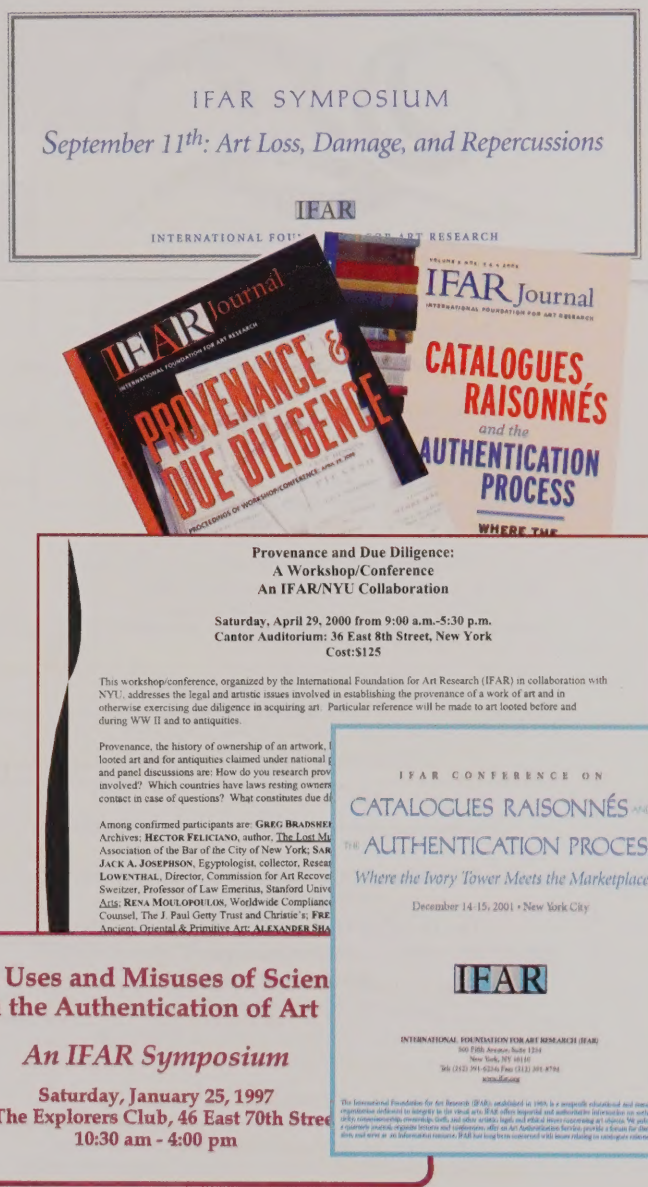
IFAR Evenings

Conferences & Symposia

Collectors' Roundtable Events

Ever since the 1980s, when we launched our popular series of *IFAR Evenings,* we have viewed public programs as an extension of our educational outreach. The very popular *IFAR Evenings* series of panels and lectures serves as a forum for discussion of issues and events in the news and topics that relate to our primary interest areas, including authenticity, catalogues raisonnés, provenance research, and the myriad legal and ethical issues concerning ownership, legal title, looting, and restitution of art objects. The programs are also a vehicle for disseminating our own research and that of others. All are followed by networking receptions and, with few exceptions, edited proceedings published in the *IFAR Journal,* or in video format on our website.

The Covid-19 pandemic required us to pivot to an online format, which did away with the receptions but enabled us to reach a broader and larger audience. On the following pages, you can see a sample of the variety of *IFAR Evening* programs, along with the more in-depth IFAR conferences and symposia, as well as intimate Collectors' Roundtable events we've offered to our higher level donors. These include, visits to the homes of major collectors and behind-the-scenes tours to museums, galleries, and conservation labs, hosted by distinguished specialists.



IFAR

INTERNATIONAL FOUNDATION FOR ART RESEARCH
500 FIFTH AVENUE, SUITE 935 • NEW YORK, NY 10110
TEL (212) 391-6234 • FAX (212) 391-8794 • WWW.IFAR.ORG

IFAR Evening

Wednesday December 7, 2011 • 6:00-8:30 p.m.

Warhol Board Stops Authenticating: Issues and Fallout

SPEAKERS:

Jack Cowart
Executive Director,
Roy Lichtenstein Foundation

Jack Flam
President, Dedalus Foundation
Distinguished Professor Emeritus, CUNY

David J. Nash
Co-Owner, Mitchell-Innes & Nash
Former Executive Vice President, Sotheby's

Peter R. Stern
Of Counsel, McLaughlin & Stern, LLP
Chairman Emeritus, Volunteer Lawyers for the Art

Robert Storr
Dean, Yale University School of Art

Christine Vincent
Study Director
The Aspen Institute's National Study
of Artist-Endowed Foundations

Speakers from the Dec. 7, 2011 *IFAR Evening*, "Warhol Board Stops Authenticating": Christine Vincent, center, flanked by, left to right, Robert Storr, Jack Cowart, Peter Stern, Jack Flam, and David Nash.

The International Foundation for Art Research
invites you to an

IFAR EVENING
at
CHRISTIE'S

a panel discussion on
FORGERY

Julius Held, Moderator
Professor Emeritus in Art History,
Barnard College and Columbia University

Theodore Reff on DEGAS
Professor of Art History,
Columbia University

John P. Richardson on PICASSO
Art Critic and author of a
forthcoming biography of Picasso

Linda S. Ferber on
WILLIAM TROST RICHARDS
Chief Curator and Curator of American
Painting and Sculpture, The Brooklyn Museum

Wednesday, May 21
6 o'clock, p.m.
502 Park Avenue

reservations limited
RSVP Lily Zimmermann
(212) 546-1120

Reception to follow

Remembering the Florence Flood – 50 Years Later

SPEAKERS

PHILIPPE de MONTEBELLO	Director Emeritus, The Metropolitan Museum of Art; Fiske Kimball Professor, Institute of Fine Arts, NYU
MARCO GRASSI	Paintings Conservator and Consultant; Member, IFAR Art Advisory Council
SUSANNE P. SACK	Former Chief Conservator, Brooklyn Museum of Art; Honorary Fellow, International Institute for Conservation

Also featuring highlights from the 1966 documentary film
"Florence: Days of Destruction," directed by Franco Zeffirelli
and narrated by Richard Burton

Then and Now:
The 20th Anniversary of the Washington Conference on Holocaust-Era Assets

SPEAKERS

AMB. STUART E. EIZENSTAT	Special Advisor to the U.S. State Dept. on Holocaust-Era Issues; Sr. Counsel, Covington & Burling LLP; Head, U.S. Delegation to the Washington Conference; Former Domestic Policy Advisor to President Carter
MONICA DUGOT	Senior V.P., International Director of Restitution, Christie's; Former Deputy Director, Holocaust Claims Processing Office, NY State Banking Dept.
LAWRENCE M. KAYE	Partner; Co-Chair, Art Law Group, Herrick, Feinstein LLP
LYNN ROTHER	Senior Provenance Specialist, Museum of Modern Art, NY; Former Research Specialist, Berlin State Museums
Moderator: SHARON FLESCHER	Executive Director, International Foundation for Art Research (IFAR)

The International Foundation for Art Research (IFAR)

in cooperation with

The Union League Club and The American Council on Germany

invite you to an *IFAR Evening* on

The Invisible Heroes: The Monuments Men

an illustrated talk by

ROBERT M. EDSEL

Author of *Rescuing Da Vinci* and *The Monuments Men*

An *IFAR Evening* with the Neue Galerie

Monday, July 31, 2006
6:00–8:00 p.m.

Join us for a special evening in which

E. RANDOL SCHOENBERG

attorney to Maria Altmann will discuss the successful eight-year battle against the Austrian government to recover paintings by Gustav Klimt looted by the Nazis from the Bloch-Bauer Collection

Evening includes a **Private Viewing** of the five recovered Klimt paintings on display at the Neue Galerie

Speakers from the July 12, 2016 *IFAR Evening* on the Knoedler/Rosales Affair, left to right: Patricia Cohen, John Cahill, Sharon Flescher, James Martin, Adam Sheffer, and Robert Storr.

IFAR
INTERNATIONAL FOUNDATION FOR ART RESEARCH
500 FIFTH AVENUE, SUITE 935 NEW YORK, NY 10110
TEL (212) 391-6234 FAX (212) 391-8794 WWW.IFAR.ORG

IFAR Evening

Tuesday, July 12, 2016, 6:00 – 8:30 p.m.

20/20 Hindsight: Lessons from the Knoedler/Rosales Affair

SPEAKERS

Moderator:

PATRICIA COHEN	Reporter, *The New York Times*
JOHN CAHILL	Partner, Cahill Partners LLP
SHARON FLESCHER	Executive Director, International Foundation for Art Research (IFAR)
JAMES MARTIN	President, Orion Analytical LLC
ADAM SHEFFER	President, Art Dealers Association of America (ADAA); Partner, Cheim & Read
ROBERT STORR	Professor of Painting and Former Dean, Yale School of Art

IFAR GRATEFULLY ACKNOWLEDGES CHUBB FOR PARTIAL SUPPORT OF THIS PROG

The International Foundation for Art Research (IFAR)
invites you to an *IFAR Evening* on

The Rembrandt Research Project: Reflections, Revelations, Reversals

An Illustrated Talk by

Ernst van de Wetering

Chairman, Rembrandt Research Project

The Rembrandt Research Project, an initiative to examine and re-evaluate the body of wor
attributed to Rembrandt, will soon publish the sixth and final volume of its research.
Ernst van de Wetering will discuss some of the Project's discoveries and re-attributions
and reflect upon the findings of four decades of work.

Notre Dame:
Iconic Cathedral; Disastrous Fire; Uncertain Future

SPEAKERS

LINDSAY S. COOK, Ph.D.	Visiting Assistant Professor, Art Dept., Vassar College; Former Member, Columbia University Team, Mapping Gothic France
MICHAEL T. DAVIS, Ph.D.	Chair of Architectural Studies, Professor of Art History, and Former Chair, Medieval Studies Program, Mount Holyoke College
GEORGE WHEELER, Ph.D.	Senior Research Scholar, Dept. of Scientific Research, Metropolitan Museum of Art; Senior Scientist, Highbridge Materials Consulting; Adjunct Professor, Univ. of Pennsylvania and Columbia University
MODERATOR: NANCY WU, Ph.D.	Senior Managing Educator, Public Programs, The Cloisters, Metropolitan Museum of Art

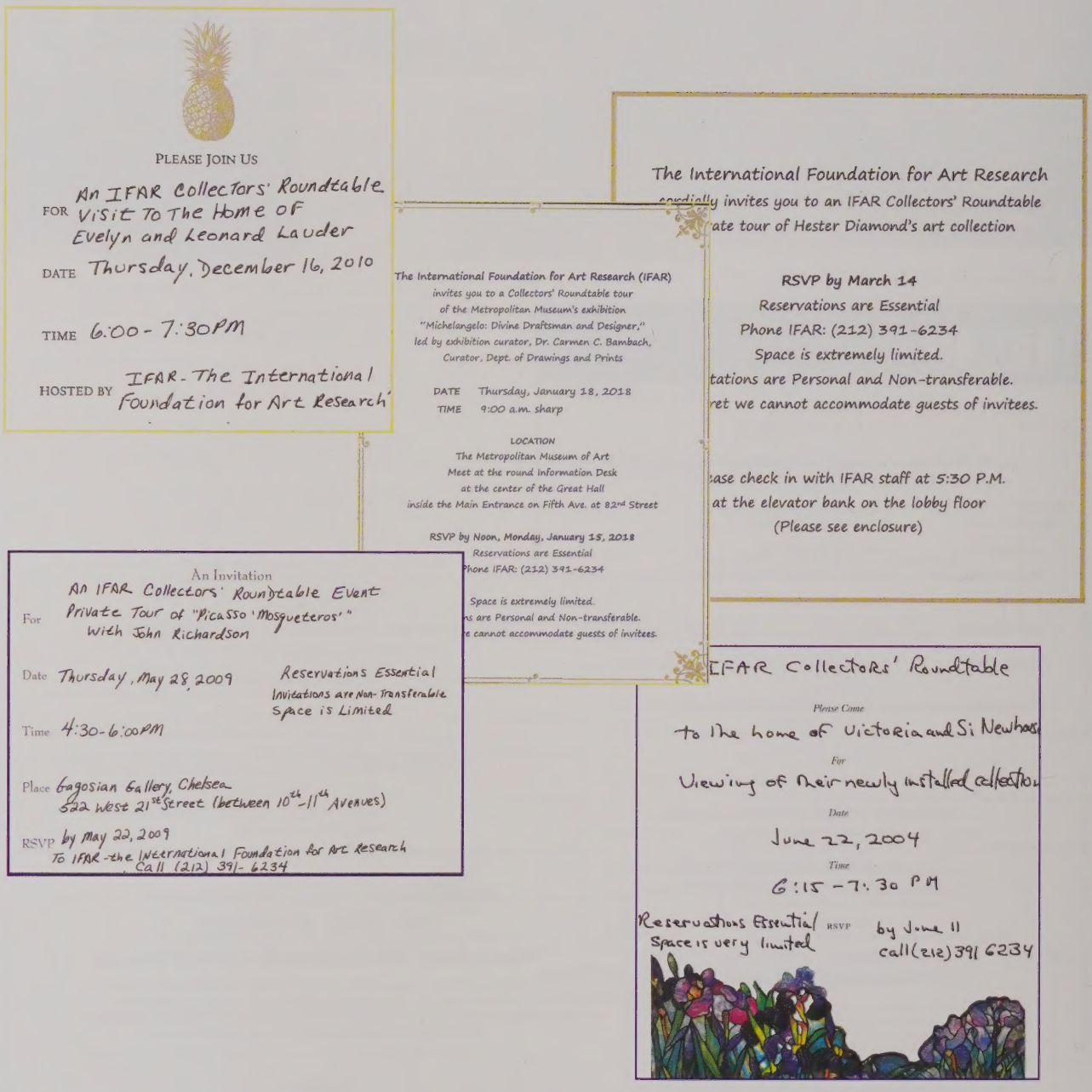
ARE THEY POLLOCKS?

What Science Tells Us About the Matter Paintings

In 2002, a group of paintings was found in a storage unit belonging to the late Herbert Matter, a friend of Jackson Pollock. Since then, the attribution of the paintings, initially said to be by Pollock, has been the subject of controversy. Hear what scientists who examined the paintings have to say.

Speakers:

Pepe Karmel, Chair and Associate Professor, Dept. of Art History, New York University
James Martin, Research Scientist and Principal, Orion Analytical, LLC
Richard Newman, Head of Scientific Research, Museum of Fine Arts, Boston



PLEASE JOIN US

FOR An IFAR Collectors' Roundtable Visit To The Home Of Evelyn and Leonard Lauder

DATE Thursday, December 16, 2010

TIME 6:00 - 7:30PM

HOSTED BY IFAR - The International Foundation for Art Research

The International Foundation for Art Research (IFAR)
invites you to a Collectors' Roundtable tour
of the Metropolitan Museum's exhibition
"Michelangelo: Divine Draftsman and Designer,"
led by exhibition curator, Dr. Carmen C. Bambach,
Curator, Dept. of Drawings and Prints

DATE Thursday, January 18, 2018
TIME 9:00 a.m. sharp

LOCATION
The Metropolitan Museum of Art
Meet at the round Information Desk
at the center of the Great Hall
inside the Main Entrance on Fifth Ave. at 82nd Street

RSVP by Noon, Monday, January 15, 2018
Reservations are Essential
Phone IFAR: (212) 391-6234

Space is extremely limited.
ns are Personal and Non-transferable.
e cannot accommodate guests of invitees.

The International Foundation for Art Research
cordially invites you to an IFAR Collectors' Roundtable
ate tour of Hester Diamond's art collection

RSVP by March 14
Reservations are Essential
Phone IFAR: (212) 391-6234
Space is extremely limited.
tations are Personal and Non-transferable.
ret we cannot accommodate guests of invitees.

ase check in with IFAR staff at 5:30 P.M.
at the elevator bank on the lobby floor
(Please see enclosure)

An Invitation

For An IFAR Collectors' Roundtable Event
Private Tour of "Picasso 'Mosqueteros'"
With John Richardson

Date Thursday, May 28, 2009 Reservations Essential
Invitations are Non-Transferable
Space is Limited

Time 4:30-6:00PM

Place Gagosian Gallery, Chelsea
522 West 21st Street (between 10th-11th Avenues)

RSVP by May 22, 2009
To IFAR - the International Foundation for Art Research
Call (212) 391-6234

IFAR Collectors' Roundtable

Please Come
to the home of Victoria and Si Newhou
For
Viewing of their newly installed collection

Date
June 22, 2004
Time
6:15 - 7:30 PM

Reservations Essential/ RSVP by June 11
Space is very limited call (212) 391 6234

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Alexander ROSLIN
Portrait of the Philosopher and
Encyclopedist Baron d'Holbac
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on fifty years of dedicated
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Fakes, Forgeries and Fraud

IFAR'S Authentication Research Service Exposes Scams and Assists Law Enforcement

Involvement in forgery and fraud has been a natural extension for an organization founded at the suggestion of the New York State Attorney General in the aftermath of extensive fraud hearings in the mid 1960s.

Over the years, IFAR has worked assiduously against the circulation of fakes and misattributed works and has highlighted a myriad of art scams that have come to its attention, whether through its own research or that of others. IFAR's Authentication Research Service Agreement permits it to publish the results of its examinations and it does so when, among other reasons, it believes publication will advance scholarship or, conversely, help expose a scam. It is part of IFAR's public service mission.

"Fakes! Fakes! All total fakes! But I love every one of them!"

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Pages of the *IFAR Journal* – and previous IFAR publications – are replete with reports of scams that IFAR's own research has helped expose, for artists such as Thomas Hart Benton, Edmund Tarbell, Salvador Dalí, Jackson Pollock, Pablo Picasso, and Willem de Kooning. We have also written extensively on scams revealed by others, such as the audacious two-decade-long Ely Sakhai scam uncovered by the FBI, in which exact copies were made of authentic artworks owned by Sakhai and then marketed as originals, often with authentic provenance documents. Sakhai pleaded guilty in 2004 and was later sentenced to 41 months in prison. (See *IFAR Journal,* Vol. 7, nos. 1, 3&4.) Our public programs have also focused on these scams (see https://www.ifar.org/programs_events.php).

On numerous occasions, IFAR has cooperated with the FBI and other law enforcement agencies and testified in court. Edwin L. Weisl, IFAR's former President, for example, was deposed in 1979 regarding the Hartert forgeries case; Virgilia Pancoast Klein, then head of IFAR's Authentication Research Service, testified in Honolulu at the 1989 trial involving fake Dalís marketed by the Center Art Galleries; and our current Executive Director, Dr. Sharon Flescher, testified in 2016 at the *deSole v. Knoedler* trial, regarding a purported Jackson Pollock painting that IFAR did not accept as authentic, which later turned out to be one of the fakes that led to the downfall of the venerable Knoedler Gallery (see below).

The Hartert Case—1979-1980

In autumn 1979, IFAR was approached by the Galleria Borghi in New York to examine a collection of paintings it had purchased on behalf of a collector for $1.2 million. The seller was a Yorktown Heights, New York dealer, Joseph (aka Joly and John) Hartert, the father of Jack Hartert, the deceased artist and forger who had been implicated in the notorious Walter Chrysler forgery scandal in the 1960s, which made headlines in the years leading up to IFAR's founding. It was the same Joseph Hartert who had sold Chrysler approximately 90 fakes from his gallery located on East 58th Street in Manhattan. At the time, Chrysler had refused to press charges, choosing instead to bury his losses. Hartert later closed the Manhattan gallery. The appearance of this group of fakes made clear that he had not gone out of business, but had continued to sell works from a warehouse in Peekskill, New York.

Soon after purchasing the questionable works from Hartert, the Galleria Borghi became concerned about their authenticity and tried to get the sale rescinded. But it couldn't get experts to testify. It turned to IFAR for help.

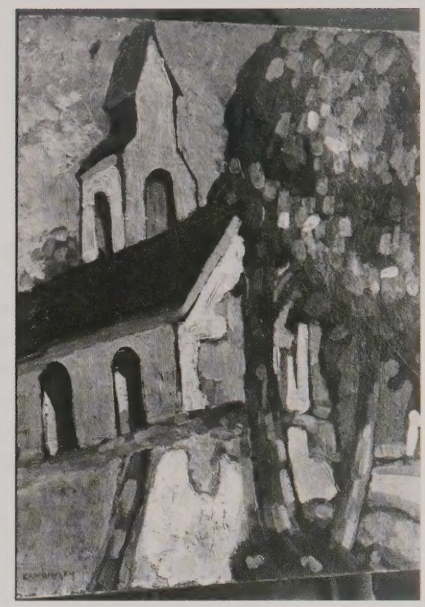
IFAR examined 18 of the paintings for Borghi, including works attributed to Monet, Picasso, Braque, Hassam, Severini, Soutine, and three each to Kandinsky and Klee. IFAR enlisted the help of experts such as John Richardson for Picasso, John Rewald for Monet, Maurice Tuchman for the Soutine, and Louise Svendsen for the Kandinskys. Technical analysis supplemented the scholars' opinions. All the works were found to be fakes; some only crude imitations, but others very accomplished.

Many of the paintings had gallery labels attached, which in at least five cases were shown to be fake. In regard to labels on a purported Kandinsky, *Kirchplatz* **(FIGS. 1 & 2),** Louis Svendsen noted:

> I have done a great deal of research on the Nierendorf Collection (bought by the Guggenheim Museum in 1948 …), but have never seen such a label or found any evidence of a Nierendorf Memorial Exhibition of Kandinsky.

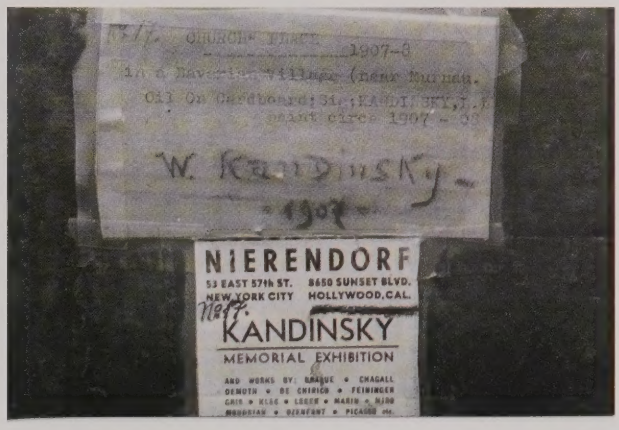
Stylistically, the painting was also wrong. Svendsen described the forms as "grotesque" and the colors as "flat and without texture." It was painted, she said, by the same hand as the other two "Kandinskys," but "not by Kandinsky."

In November, the gallery brought suit in the Supreme Court of the State of New York against Hartert's agents (the Belmont Myers warehouse in Peekskill, New York) and Hartert. IFAR's President, Edwin L. Weisl, Jr., testified as to the results of its examinations.



Kirchplatz. Oil on canvas. Signed "Kandinsky" lower left. Purchased from J.P. Hartert in 1979. Determined by IFAR not to be authentic.

The Galleria Borghi settled out of court. The matter could have ended there. But with word that other Hartert works were about be sold, IFAR notified the FBI, which seized approximately 800 works in the warehouse. The publicity caused other Hartert purchasers to come forward. Hartert, in his 80s, was finally out of business, and he died soon afterwards. Years later, the federal case was dropped and the seized artworks were returned, no doubt to eventually recirculate on the market.



Fake Nierendorf label from the back of *Kirchplatz.*

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The Benton Forgeries

In 1982-1983, IFAR examined a group of seven works attributed to the American regionalist painter, Thomas Hart Benton. They were submitted by different owners and were all determined to be fakes. Benton and his fellow figurative painters were enjoying renewed popularity and an increase in prices. A concomitant flurry in forgeries was appearing on the market. Armed with IFAR's information, one client sued the gallery that sold the works to him, and the Los Angeles Police Departmet launched a fraud investigation. IFAR's Executive Director, Bonnie Burnham, published the following summary.

A partial excerpt from "Thomas Hart Benton: A New Assault," *Art Research News,* Volume 2, Numbers 2-3, 1983:

> The works of Thomas Hart Benton have not been treated in kingly fashion by history. Notorious for his querulous personality, his grassroots popularity, his naïve imagery, and especially the obstreperous stance he took in his later life against modernism and abstract art, Benton was made the brunt of both ridicule and reaction by the postwar generation of abstract painters. ...

Plowing the Field. Watercolor on paper. 16″ x 21″.
Signed lower right "Benton." Determined not to be authentic.

It is only in the last five years that Benton's works have again begun to attract serious interest and approval. ... In the late 1960s, knowledgeable collectors began looking seriously at American realist art in the hope of finding quality works at reasonable prices, and in the 1970s this return to favor was evident in the number of handsome publications that became available on the American realists. As of 1980, a dramatic increase was evident in the auction prices commanded by American figurative art; these prices had grown as much as tenfold in the last decade, showing that American narrative painting has established a broad and solid audience.

This rapid growth has produced problems, for the artists in question were prolific, and there has not yet been, in most cases, a serious scholarly effort devoted to documenting their work. A flurry of forgeries has cropped up, infiltrating the market for the artists' works. Sometimes cunningly executed, these forgeries run the gamut from pastiches to purported studies for existing paintings, and include works by other artists that have acquired both signatures and spurious documentation. In the last year, seven ambitious Benton forgeries have come to IFAR for examination, and IFAR has become aware that there are many other spurious works on the market. The artist did not make careful records of his production, and since there has as yet been no detailed and scholarly study of his oeuvre, the problems are likely to persist in the future. These seven works are published here as a service to potential buyers.

Each has been examined by Robert C. Graham, Jr., vice president of Graham Gallery in New York and an expert on Benton's work, and Dr. Matthew Baigell, author of *Thomas Hart Benton* (Abrams, 1973), the principal book on the artist; these two experts were in concurrence on every work examined. ...

***Plowing the Field.* Watercolor on paper, 16 x 21 inches. Signed "Benton."**

Sold to a New York dealer, this work has nothing in common with Benton's style, other than the presence of mules. It may be the work of a follower or a wholly unrelated watercolor that has acquired a Benton signature.

On the back of the work, however, was an extra show of credibility: a printed label from the Kraushaar Gallery, New York, with purported stock number, title and the artist typed on it. This authentic looking document would seem to show a reliable source.

According to the Kraushaar Gallery, the label is a fake. Although it shows the address used by the gallery in the 1940s, it is unlike any label that the gallery has ever used. The same kind of printed label has also been seen on another work: a painting ascribed to William Glackens that was sold at the Schuster Galleries in New Windsor, New York in 1981. Neither has ever passed through the hands of the Kraushaar Gallery, and the Benton, at least, may be judged a fake. ...

Now a great deal of information has been assembled about the character of the forgeries, and a chain of sources – including two dealers in Kansas City and one in the New York area – has been identified. The question arises, how can this process be stopped? The answer, unfortunately, is frustrating. Little more can be done to uncover the identity of the forger, even though most of the forgeries appear to have been released by only one or two sources. The only way to punish those involved in a fraud which has, to date, involved the sale of at least $150,000 in forgeries, would be to prove a conscious conspiracy through criminal prosecution.

The Los Angeles Police Department has conducted an extensive investigation of the works that appear on the market in California, but to date the District Attorney in Los Angeles has failed to bring a case against the principal suspect, a man in the New York area who has been convicted and jailed previously for fraudulent dealings involving art. Detective William Martin of the Los Angeles Police Department recently commented to IFAR that the case, which will depend on the prosecution's ability to bring in numerous witnesses from New York to support their allegations, will be expensive to prosecute. After a year of investigation, he is now uncertain whether it will be prosecuted.

So far, the FBI has shown no interest in entering the case. As with so many similar situations involving art, the best defenses against acquiring these forgeries are close inspection, comparison with documented originals, and a consultation with a recognized expert about their authenticity. ...

(*Art Research News,* Vol. 2, nos. 2-3, 1983)

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The Dalí Fakes

A few years later, IFAR got involved in another large-scale forgery investigation, this time concerning thousands of fake Salvador Dalí prints that were flooding the market. One of the many prints that were sent to IFAR, the *Discovery of America by Christopher Columbus,* turned out, as did the others, to be an unauthorized photomechanical reproduction with a fake signature. The market was inundated with the counterfeits, and IFAR stopped accepting them, fearful that it would have time for nothing else. But the scandal continued for years and was covered on the pages of *IFARreports.* Virgilia Pancoast, then Director of IFAR's Authentication Research Service, testified in Honolulu at the trial involving the Center Art Galleries, one of the galleries that marketed the fake prints. The federal government won the case, but there was an unexpected denouement, which IFAR publicly lamented; namely, the judge's decision to recoup some of the trial costs by selling 11,000 of the fake prints confiscated from the Center Art Galleries. Although the prints were to be stamped as fakes, it didn't take much imagination to realize that someday they would end up back on the market.

The Discovery of America by Christopher Columbus. This print, given to IFAR by the U.S. Postal Service after the fraud investigation, still hangs in IFAR's office.

Dali Forgeries Persist but "Suppliers' Days are Numbered"

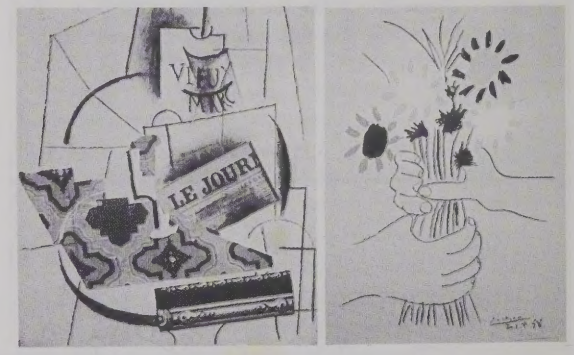
The walk-in galleries and boiler-room establishments that sell hundreds of thousands of dollars worth of counterfeit Dali prints each year should be put on notice. Months of behind-the-scenes investigations by several law enforcement agencies have resulted in raids and seizures of counterfeit Dali prints in a number of states across the country. In mid-April, city and federal authorities raided the four Honolulu branches of Center Art Galleries and, as reported in the *Honolulu Star Bulletin* by Lee Catterall, seized company records and allegedly fraudulent Dali prints. Mr. Catterall has reported Center's disputes with disgruntled customers who have purchased questionable Dali prints and have been forced to take legal action against the gallery. At this writing, the Honolulu raid has not been widely publicized; however, it is an important news story as Center has a highly visible presence in Hawaii and is one of the largest retailers of art in the United States.

IFAR has received many inquiries from individuals who have purchased Dali prints from Center Art Galleries' branches, all of them situated in prime tourist areas. In 1984, a Center customer contacted IFAR's Authentication Service about several Dali prints. He was concerned about their authenticity and was in the process of negotiating an exchange with Center, which would allow him to return the prints for two

The Discovery of America by Christopher Columbus, *one of the most widely sold of the Dali print forgeries.*

IFARreports, July 1987

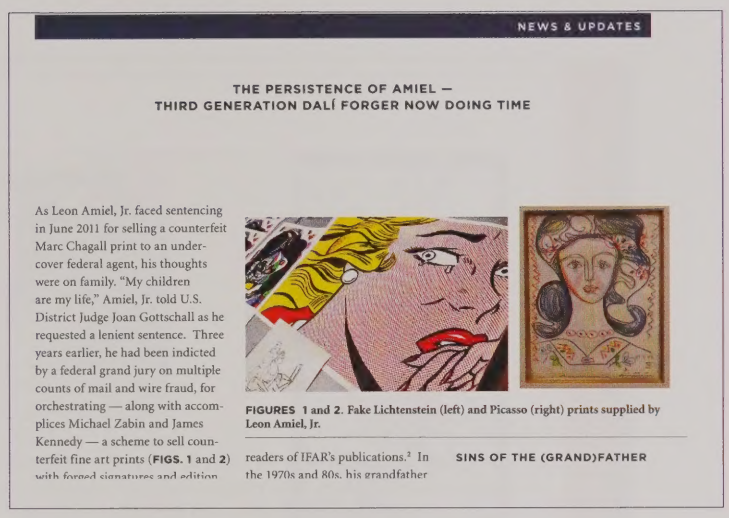
Largest Worldwide Supplier of Counterfeit Prints Indicted



Two of the Amiel "Picasso" prints sold through Original Artworks, Ltd.

IFARreports, February /March 1992

Twenty years later, in 2012, in a classic example of the apple not falling far from the tree, Leon Amiel, Jr., the grandson and namesake of one of the major suppliers of the fake Dalí (also Chagall, Miró, Picasso, etc.) prints that flooded the market through the Center Art Galleries and other outlets in the 1980s, was arrested and pleaded guilty to mail fraud in conjunction with a new scheme to sell counterfeit prints. Whereas approximately 70,000 prints had been seized by federal agents from the grandfather c. 1991 and destroyed, it turned out that not "all" had been destroyed. The young Amiel started selling the remaining fake prints on eBay. When eBay suspended his account, he joined forces with two co-conspirators to market the prints. All three conspirators landed in prison, and IFAR, true to form, published an update in the *IFAR Journal.*



NEWS & UPDATES

THE PERSISTENCE OF AMIEL —
THIRD GENERATION DALÍ FORGER NOW DOING TIME

As Leon Amiel, Jr. faced sentencing in June 2011 for selling a counterfeit Marc Chagall print to an undercover federal agent, his thoughts were on family. "My children are my life," Amiel, Jr. told U.S. District Judge Joan Gottschall as he requested a lenient sentence. Three years earlier, he had been indicted by a federal grand jury on multiple counts of mail and wire fraud, for orchestrating — along with accomplices Michael Zabin and James Kennedy — a scheme to sell counterfeit fine art prints (**FIGS. 1** and **2**) with forged signatures and edition

FIGURES 1 and 2. Fake Lichtenstein (left) and Picasso (right) prints supplied by Leon Amiel, Jr.

readers of IFAR's publications.[2] In the 1970s and 80s, his grandfather

SINS OF THE (GRAND)FATHER

IFAR Journal, Vol. 13, nos. 1&2, 2012

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The Rosales/Knoedler Gallery Affair

IFAR continues to expose and report on art scams, often uncovered when works are submitted to its Authentication Research Service. In recent years, several of the scams have involved works said to be by Jackson Pollock and other modern masters.

One such submission, a purported Jackson Pollock for which IFAR wrote a negative report in 2003, caused repercussions for IFAR for the next 13 years, and factored into the downfall of the Knoedler Gallery. IFAR did not know at the time it was submitted that the painting, signed "Jackson Pollock, 49," was one of 60+ fakes created by a Chinese artist, Pei-Shen Qian, in his garage in Queens, New York. While the painting admittedly had some qualities that made a Pollock attribution "plausible," IFAR had doubts concerning the style, the materials, the unsubstantiated (and meager) provenance, and the absence of any documentation connecting the painting to Pollock. IFAR's was a lonely negative voice.

The owner who submitted the painting to IFAR returned it to the Knoedler Gallery and got his $2 million back. He did not sue. But years later, many other disgruntled owners did sue, and the federal government also launched an investigation. Glafira Rosales, the Long Island dealer who supplied the paintings to the Knoedler Gallery and another dealer, pled guilty and confessed that the works were fakes.

In 2016, IFAR's Executive Director testified in the only civil lawsuit that went to trial, *de Sole v Knoedler.* A few months later, IFAR organized an *IFAR Evening* on the affair with six distinguished speakers, including the *New York Times* reporter who broke the story and the forensic specialist who tested many of the paintings. The program sold out and attracted numerous reporters, and the proceedings were published in the *IFAR Journal* (Vol. 17, nos. 2&3, 2016).

Following are the first 2 pages of an article excerpted from *IFAR Journal*, Vol. 17, nos. 2&3, 2016, based on a talk at the July 12, 2016 *IFAR Evening*, "20/20 Hindsight: Lessons from the Knoedler/Rosales Affair." It was one of six talks on the subject published in that *Journal* issue.

IFAR'S 2003 REPORT

SHARON FLESCHER*

"After considerable research, we sent a report to Mr. Levy saying that 'too many reservations exist to make a positive attribution to Jackson Pollock.' … That was ten years before Glafira Rosales admitted that this work and approximately sixty others were fakes."

In 2003 IFAR wrote an authentication report on one of the purported Pollocks acquired by the Knoedler Gallery from Glafira Rosales **(FIG. 1)**. The painting was submitted to us by a private owner, Jack Levy, whose name was made public not by us but years later by Patricia Cohen in *The New York Times*. Mr. Levy had purchased the painting from Knoedler for $2 million, and, because it wasn't in the catalogue raisonné, he wisely extracted a condition, which we did not know about, that he would submit the work to IFAR, and, if we didn't support the Pollock attribution, it would be returned to Knoedler.

Ever since the Pollock-Krasner Foundation stopped reviewing works by Pollock for its catalogue raisonné supplement, having been hit with three lawsuits, many Pollock inquiries were coming to IFAR's Art Authentication Research Service, which we've maintained since our founding in 1969 **(FIG. 2)**. After considerable research, we sent a report to Mr. Levy saying that "too many reservations exist to make a positive attribution to Jackson Pollock." We later learned that he returned the work and got his money back. That was ten years before Glafira Rosales admitted that this work and approximately sixty others were fakes. We involved many specialists in the project, and we also undertook extensive research on our own. Per our usual practice, we examined the work from the point of view of scholarship, material properties, and style, that is, connoisseurship.

Like many of the Rosales works, the painting was a pretty good fake, and there were some positive comments about it that we felt duty bound to include in our report. But there were also serious concerns about the style, the materials, the absolute lack of documentation – not just provenance,

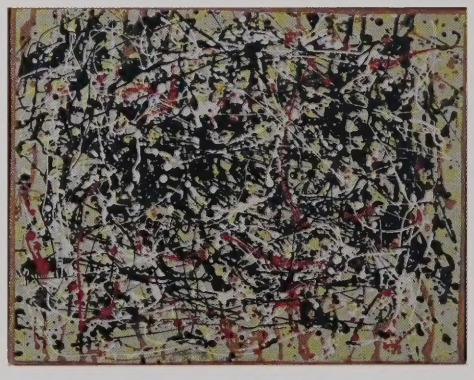


FIGURE 1. Purported Pollock for which IFAR wrote an Authentication Research Service report, #02.04, in 2003. Oil and enamel on canvas mounted on Masonite, 17 ¾″ x 22 ¾″.

* Sharon Flescher, Ph.D., is the Executive Director of the International Foundation for Art Research (IFAR) and the Editor-in-Chief of the *IFAR Journal*.

but *any* documentation: letters, dealer records, interviews, photographs, *anything* – linking the work to Pollock, although it was dated 1949 and thus purportedly painted at the height of Pollock's career. This was the time when *LIFE* magazine was asking whether he was "the greatest living painter" in America.[1] He is also one of the best documented. So the absence of documentation for Pollock, while not determinative, can't simply be dismissed, as apparently it was by others. Since we're talking about lessons here tonight, let's call that Lesson Number One.

THE NEW YORK TIMES, FRIDAY, MAY 8, 1970

Art Group Is Set Up To Judge Attribution

By GRACE GLUECK

FIGURE 2. May 8, 1970 article from *The New York Times* announcing IFAR's founding.

FIGURE 3. Jackson Pollock, ***No. 23, 1949.*** Oil and enamel on canvas mounted on Masonite. 26 ½″ x 12 ½″. Private Coll.

"There were also serious concerns about the style, the materials, the absolute lack of documentation – not just provenance, but *any* documentation: letters, dealer records, interviews, photographs, *anything* – linking the work to Pollock."

Stylistic concerns about the Levy painting ranged from the way the paint layers interacted with each other and with the canvas edges, to the unusual color and application of the thin brownish-green background wash, which made no sense at all in context of Pollock's art at that time. The latter point troubled even those people who otherwise liked the work. The materials were also troubling. The painting, for example, is on canvas mounted on Masonite (a type of fiberboard), but when compared with an unquestioned Pollock of the same date, also canvas on Masonite **(FIG. 3),** there were disturbing differences. Where the canvas in Mr. Levy's work was mounted on the rough side of the Masonite, which was left raw, in the true Pollock, it was mounted on the smooth side of the Masonite.

More significantly, Pollock added sizing to his Masonite, which had visibly darkened and aged over the years. So there was a dramatic contrast between the two Masonite supports, which is evident when comparing the areas around the strikingly similar signatures[2] **(FIGS. 4A & 4B** and Journal cover**).** This, too, couldn't be ignored. Also troubling was the way the canvas in Mr. Levy's work was abraded in some areas *before* the paint was even applied; in other words, newer paint over older support. In itself this wasn't damning. In fact, none of these points in themselves were damning. But it was troubling, and the concerns added up. …

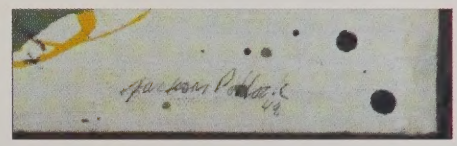


FIGURE 4A AND 4B. A (top): Bottom right of the authentic Pollock, ***No. 23, 1949,*** showing the signature and Masonite support. **B (bottom):** Bottom center of IFAR #02.04, showing the signature and Masonite support.

Long Island Con Man, John Re, and the Schulte Fakes

IFAR has encountered many con men in the course of its research and reporting. (See, e.g., the "Rogues' Gallery" later in this *Journal* issue.) But none surpass John Re, the submarine-owning charlatan who claimed to find a trove of unknown Pollocks and de Koonings in the basement of the East Hampton home of a deceased furniture maker George Schulte, who, Re said, had performed work for the artists. Re concocted fake provenance documents and marketed the fakes to unsuspecting buyers. IFAR had encountered Schulte-provenanced works before, but in 2011, agreed to examine a large group of 45 "Pollocks" acquired from Re by a single collector. Each work was examined by specialists, and approximately one third were forensically tested. None turned out to be authentic. IFAR's 120-page report was cited in the government's criminal complaint. Re ultimately pleaded guilty and was sentenced to 5 years in federal prison. The following is one of the articles IFAR published about the scam. Works marketed by Re with the Schulte provenance are likely still circulating.

The following article by Lisa Duffy-Zeballos and Sharon Flescher, one of several on this subject, was published in *IFAR Journal*, Vol. 15, nos. 3&4, 2014.

EAST HAMPTON CON MAN KNOWN TO IFAR PLEADS GUILTY

JOHN RE ADMITS SCHULTE PROVENANCE WAS CONCOCTED

On December 1, as this *Journal* issue was in production, IFAR learned that John Re, a resident of East Hampton, Long Island, pleaded guilty in federal court in New York to one count of wire fraud in conjunction with a decade-long scheme that defrauded art collectors out of $2.5 million. The plea followed an intensive FBI investigation that led to Re's arrest in June and subsequent release on bail.

Although the court documents describe Re's crimes as dating back to "at least 2005," in fact, as early as 2001 IFAR became aware of Re and the so-called "George Schulte Collection" of purported Pollocks and de Koonings he was selling, when a "Pollock" with Schulte's name in the provenance was submitted to IFAR's Art Authentication Research Service. Other works with that provenance were later spotted on the Web. Years later, IFAR was presented with other Schulte "Pollocks," all of which were said to have been discovered in the basement of Schulte's house in East Hampton (the works and research will be discussed in detail in a forthcoming *IFAR Journal* article). None of the works submitted to IFAR turned out to be by Pollock. The June Criminal Complaint quotes extensively from IFAR's reports.[1]

In his recent Plea Agreement, Re admitted to having fabricated the Schulte provenance and authorship of the works. It is not clear at this point, who actually created the paintings, although the Criminal Complaint made note of the fact that Re himself is a painter; nor has the FBI said whether it is investigating others in connection with this fraud. Re faces up to 20 years in prison. Sentencing is scheduled for April 2015.

George Schulte (1922-1996), a woodworker and furniture restorer, was the owner of an antiques and appraisal shop in the Springs section of East Hampton, not far from where Pollock and Lee Krasner lived after 1945. In 1999, John Re, a former employee at the shop, claimed to have discovered a large group of paintings and drawings by Pollock and de Kooning while cleaning out the basement of the Schulte house.

The first Schulte "Pollock" submitted to IFAR in 2001, a small dripped painting on paper signed 'Jackson Pollock,' was accompanied by a notarized document bearing the signature of Schulte's widow, Barbara, stating that her late husband acquired the painting directly from Pollock sometime during the late 1940s or early 1950s presumably in lieu of payment for work performed at Pollock's house. Curiously, Re himself was a "witness" and signatory to the notarized statement.

> **"The June Criminal Complaint quotes extensively from IFAR's reports."**

IFAR was unable to substantiate the provenance, or find any evidence that Pollock knew Schulte, or had business dealings with him, let alone a relationship that would account for an exchange or a gift of paintings. More importantly, the work itself did not bear scrutiny as a Pollock, lacking the vitality and compositional integrity of Pollock's 1948 black and red dripped paintings on paper, which it superficially resembled. Just as troubling, the paper was anomalous for Pollock; the paint materials were wrong; and the work appeared to be intentionally "aged," executed as it was on a discolored, grimy, and creased piece of paper. IFAR rejected the attribution to Pollock.

[1] *United States v. John Re*, no.14-cr-550 (PKC) (E.D.N.Y., *filed* June 20, 2014).

THE GROUP OF 45

In 2011, IFAR agreed to review a large collection of 45 purported Pollocks from the Schulte collection that had been acquired by a single collector, named in the government's Complaint as Collector 2. Most of the works were signed and some were dated (**FIGS. 1A** and **B**). We learned from the Complaint that John Re had tried to discredit IFAR in an unsuccessful attempt to dissuade Collector 2 from submitting the works to IFAR for review.

Each of the paintings in *this* group was submitted with a statement signed by Re identifying it as part of the Schulte collection. Unlike the 2001 document submitted to IFAR, Barbara Schulte did not sign these documents. By that time, she had been institutionalized with dementia; she has since died. IFAR's provenance research into this group included interviews with George Schulte's family and friends, all of whom denied that Schulte ever knew Pollock or had owned paintings by him.

FIGURES 1A and B. Fake Jackson Pollock works sold by John Re and later submitted to IFAR. 1A (upper) is a work on paper; 1B (lower) is a painting on canvas. Photos: IFAR.

Upon examination, the specialists found the paintings to be stylistically unconvincing and "remarkably, and disturbingly analogous in palette, composition, and overall execution, much more similar, in fact, than any of Pollock's authentic works are to each other." Forensic examination that IFAR undertook revealed serious anachronisms in the paint media used in virtually every work tested. There was nothing to substantiate a Pollock attribution, and IFAR rejected all 45 works.

RE CHANGES HIS STORY

In January 2014, three years after IFAR issued its reports on the 45 works, John Re contacted IFAR. Apparently forgetting that he himself had signed the provenance statements, each of which also contained an embedded image of the work, Re claimed that the paintings examined by IFAR were actually from the "Taylor Robinson Collection," and that the Pollocks had "already passed forensics & Top wold exoertise [sic]." He demanded that IFAR re-examine all of the paintings and amend its reports in light of this new information, hinting at legal action if IFAR did not comply. Needless to say, IFAR did not comply.

"In 2011, IFAR agreed to review a large collection of 45 purported Pollocks from the Schulte collection that had been acquired by a single collector, named in the government's Complaint as Collector 2."

In June, assisted by IFAR's research, Re was arrested for fraud. He was later indicted in August. The Complaint also accused him of making threatening statements – including boasting of his alleged mob connections — when he was confronted by one of his victims.

This was not Re's first encounter with the criminal justice system; in 1995, he, along with his wife, Rhonda, and two others, was charged with criminal possession of devices for printing counterfeit $20 bills. He served two years

in prison.[2] Upon his release, Re turned from counterfeiting money to dealing in fake art. Posing as an art expert who "exposed" fakes for sale on the Internet, Re posted glowing reviews of himself on his blog. One happy client gushed that Re had steered him away from buying a fake Picasso and a fake Pollock online, and claimed that Re had assisted "the FBI in New York in the prosecution of a major art forgery ring in 2000." Re himself sold dubious artworks from a variety of web sites including eBay, using shill bidders to drive up prices, and threatening those who challenged him or complained. In 2003, he was ordered to pay $43,500 in damages for breach of contract for selling fake Picasso and van Gogh paintings on eBay and for making defamatory statements against the plaintiffs.[3]

In the current case, in addition to facing imprisonment, Re has been ordered to forfeit $2.5 million and, until the forfeiture debt is paid, he is barred from selling his personal submarine, "USS Deep Quest," which he is said to have purchased from Universal Studios for $70,000 and restored for over $1 million. Perhaps not surprisingly, the authenticity of the submarine itself is in dispute. While Re claims it is a decommissioned US Naval vessel, naval experts say it is only a movie prop.[4]

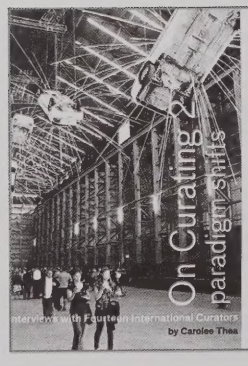
[2] John T. McQuiston, "4 are Held in Forgery of $20 Bills on L.I.," *The New York Times* (Oct. 19, 1995).

[3] *Masterworks Fine Arts, Inc. v. Re,* no. 02-cv-3664 (E.D.N.Y., *filed* June 24, 2002).

[4] T.E. McMorrow, "A Tale Forged in Paint and Steel," *East Hampton Star,* Aug. 14, 2014. The real USS Deep Quest is an exhibit at the Naval Undersea Museum in Keyport, WA.

• • •

Congratulations to IFAR



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On Curating 2 // Paradigm Shifts
Interviews with Fourteen International Curators
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Brennerman—The Collector Who Never Was—or Was He?

One of the stranger scams IFAR has encountered involved a cache of artworks said to belong to a mysterious German-born Chicago collector, James Brennerman, who supposedly amassed an enormous collection of works by Jackson Pollock and other artists in the mid-20th century. Four of the "Brennerman" paintings were submitted to IFAR (by three different owners) in 2013. None were authentic. They were stylistically wrong and contained anachronistic materials. The amount of supporting documents, also apparently bogus, boggled the mind. IFAR publicized the scam when it became clear that the bogus works were circulating around the U.S. The cautionary story was picked up in publications around the world.

The following two-page excerpt from an article by Lisa Duffy-Zeballos and Sharon Flescher was published in *IFAR Journal*, Vol. 17, no. 4, 2017.

THE MYSTERIOUS JAMES BRENNERMAN; DID HE EXIST AND WHERE DID ALL HIS FAKES COME FROM?

IFAR Exposes Another Cache of Bogus Pollocks

LISA DUFFY-ZEBALLOS and SHARON FLESCHER*

"The sheer number of potential works involved, and the certain knowledge that more fakes from the "Brennerman Collection" will continue to dupe the unwary, impels us to speak out."

Ever since IFAR began reviewing works by Jackson Pollock 20 years ago, soon after the Pollock-Krasner Authentication Board disbanded, our Authentication Research Service has examined well over a hundred spurious Pollocks and learned of a troubling number of "collections" of fakes. From the now-infamous Glafira Rosales/ Knoedler Gallery fakes, to the fakes peddled by Long Island con man John Re,[1] now serving time in federal prison, these "troves" have come to us with unsubstantiated, often elaborate and always unverifiable provenances, some involving fictitious people. To this rogues' gallery, we now add the mysterious James Brennerman **(FIG. 1)**, said to be a wealthy and eccentric German-born collector, the scale of whose purported "collection" of Pollocks, and its back story, may surpass them all.

The collection comes with a dossier of letters supposedly written by Brennerman and photographs said to show different views of his Chicago mansion, but which in fact – and you can't make these things up – are actually views of the 15th-century Sforza Castle in Milan and an 18th-century Bavarian church! As to Mr. Brennerman himself, we could find no record of his immigration into the United States; no record of his death; no record of his life in Chicago; and absolutely no record or convincing explanation as to how he acquired hundreds – yes, hundreds – of works not only by Pollock, but other major artists as well.

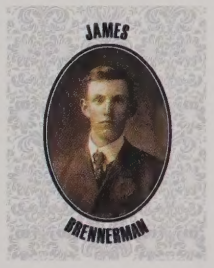


FIGURE 1. Photo said to depict the collector James Brennerman as a young man.

Four purported "Brennerman Collection" Pollocks have thus far been submitted to IFAR by three different owners. All turned out to be fakes, and not very sophisticated ones at that. As discussed below, they were stylistically and materially wrong, with forensic tests and other laboratory examinations revealing anomalous paints and other anachronistic materials, and there was no credible documentation whatsoever linking them to the artist.

Given the potentially large number of paintings involved and their wide circulation throughout the U.S., IFAR feels compelled to share what it has learned and put the public on notice about this apparent and audacious scam.

* Lisa Duffy-Zeballos, Ph.D. is the Art Research Director of *IFAR* and Sharon Flescher, Ph.D. is Executive Director of IFAR and Editor-in-Chief of the *IFAR Journal*. We wish to acknowledge the additional research of Michele Wijegoonaratna, Ph.D., former Art Research Intern at IFAR.

[1] See "20/20 Hindsight: Lessons from the Knoedler/Rosales Affair — An IFAR Evening," *IFAR Journal*, Vol. 17, No. 2-3, 2016. See also, Lisa Duffy-Zeballos and Sharon Flescher, "Long Island Con Man John Re Sentenced to 5 Years for Fraud that IFAR Helped Expose," *IFAR Journal*, Vol. 16, No. 1-2, 2015.

FIGURE 2. (above) IFAR# 13.11, acrylic on cardboard, 22 ¾ x 29 in., purported Pollock, "Brennerman Collection".

FIGURE 3. (right) IFAR# 13.10, acrylic on foam board, 30 ¾ x 27 ¾ in., purported Pollock, "Brennerman Collection".

"The collection comes with … photographs said to show different views of [Brennerman's] Chicago mansion, but which in fact—and you can't make these things up—are actually views of the 15th-century Sforza Castle in Milan and an 18th-century Bavarian church!"

THE BRENNERMAN COLLECTION

In late 2013, we received inquiries from two different owners about three purported Jackson Pollock paintings formerly in the collection of a James Brennerman, a name then unfamiliar to us. Two of the paintings had been purchased from a nightclub (more accurately, a strip club) owner in Roanoke, Virginia, who claimed to have acquired them from Brennerman's former servants, Bert and Ethel Ramsey. The same strip club owner also factors in the provenance of the other Brennerman "Pollocks" submitted to us via intermediary sellers. After careful examination and research, we sent negative reports on all three works in 2014. The following year, a fourth Brennerman "Pollock" was submitted to us, and we later rejected it, too. In addition to the four works we have formally reviewed, we have seen photos of ten other Brennerman "Pollocks", which appear to be just the tip of the iceberg. Alarmingly, we already know that at least one of the four works we rejected has been resold to an apparently unsuspecting buyer.

Two of the three paintings submitted in 2013 were drip, or poured, works imitative of Pollock's paintings of the late 1940s **(FIGS. 2 & 3).** Both were signed "Jackson Pollock" and were undated. They featured garish palettes bearing little resemblance to Pollock's palette or works of the period. The third painting **(FIG. 4),** titled *Homage to Gorky* on the verso, was a small, brushed — not dripped – quasi-figural work on cardboard, signed and dated "Jackson Pollock '42". Despite their stylistic differences, all three works displayed certain hallmarks of the Brennerman group. …

FIGURE 4. IFAR# 13.08 *Homage to Gorky,* paint on cardboard, 12 x 9 in., purported Pollock, "Brennerman Collection".

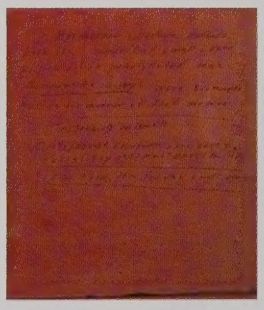
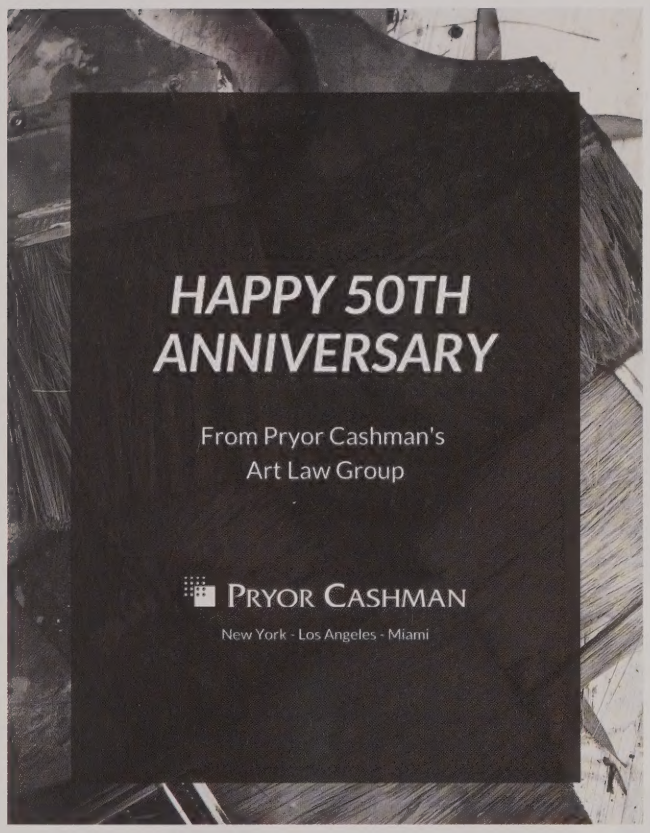


FIGURE 5. Inscription on the backing paper of #13.08.



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They Are Not All Fakes – Discoveries

One of the rewards for IFAR's Authentication Research Service is the joy of finding a previously unknown work by a major (or not-so-major) artist, or re-attributing a work to a different artist. Here is a sampling of some of our "discoveries," many of which were reported on in our publications.

Eugène Boudin – a harbor scene, dated c. 1894, to which the late Boudin expert Robert Schmit immediately allotted a Boudin Archive number and then included in the second supplement to the Boudin catalogue raisonné.

Rosa Bonheur – A third version of Bonheur's *The Horse Fair* was apparently painted late in the artist's life, some 45 years after the original version that is now in The Metropolitan Museum of Art. The work was very heavily overpainted and barely restored when IFAR examined it. The Met accepts the work as the third verified version.

Joan Miró – A silkscreen on canvas, *El Sol* turned out to be part of an ambitious quasi-commercial venture in 1949 involving Miró and several other important artists: Matisse, Calder, and Matta. The existence of this project to create large-scale, limited edition "mural-scrolls" was unknown to the world's great Miró scholar, Jacques Dupin, as well as to Miro's grandson, who congratulated IFAR on its discovery and research.

Joshua Reynolds – One of three paintings that the U.S. Drug Enforcement Agency (DEA) seized from a Cali, Colombia drug cartel and submitted to IFAR, this painting was verified by IFAR in 1996 as a work by Sir Joshua Reynolds. The work was examined by Reynolds scholar David Mannings, who identified the sitter as George Townshend, 1st Marquess Townshend (1724-1807). Mannings noted that it was a fragment of the original portrait executed around 1767. He included the painting in his catalogue raisonné on Reynolds.

FIGURE 1. Eugene Boudin, *L'avant-port du Havre*, c. 1894. Oil on canvas. 18 ½″ x 26″. Authenticated by IFAR in 1990.

FIGURE 2. A third version of Rosa Bonheur's *The Horse Fair*, c. 1898. Oil on canvas. 49 ¼″ x 104 ¼″. Authenticated by IFAR in 1991.

FIGURE 3. Joan Miró, *El Sol*, 1949. Silk screen on canvas. 45″ x 65″. Authenticated by IFAR in 1998.

FIGURE 4. Sir Joshua Reynolds, *Portrait of George Townshend. 1st Marquess*, ca. 1767. Oil on canvas. 20¾″ x 16 ¾″. Authenticated by IFAR in 1996.

Milton Resnick – An abstract painting submitted to IFAR as a possible Willem de Kooning painting of the early 1940s. Although the experts did not believe it was a de Kooning, the painting's evident quality and the discovery of a partial signature on the bottom when we removed the frame led us to his colleague and friend, Milton Resnick. The painting's new attribution was confirmed by the head of the Resnick Foundation.

Johann Georg Ziesenis – Submitted to IFAR as a portrait of an unknown nobleman, IFAR was able to identify the sitter through his distinctive medals as the Prussian Field Marshal Ferdinand of Braunschweig-Wolfenbüttel (1721-1792). The Danish-born German painter, Johann Ziesenis painted several versions of this portrait, and Ziesenis scholar and author of the artist's catalogue raisonné, Dr. Karin Schrader, confirmed the Ziesenis attribution.

Jackson Pollock – A plaster and sand sculpture formed around a wire armature that Pollock executed only weeks before his death, while visiting the sculptor Tony Smith in the summer of 1956. This rare experimental work, which IFAR labeled a "study piece," was later acquired by the Dallas Museum of Art.

Charles Pollock – This "Bentonesque" Dustbowl painting was submitted as a possible Jackson Pollock. It was signed "Pollock," with an unclear first initial. The experts who examined it, however, suspected that it was the work of Jackson's older brother, Charles. Indeed, a hidden label on the verso identified it as a work by Charles Pollock for the New Deal's Resettlement Administration. The attribution was reinforced by archival information IFAR found and confirmed by Charles' widow, Sylvia, who had a photo of the painting but had not known its whereabouts.

Francisco Zurbarán – This is one of about 30 versions of the Crucifixion painted by Zurbarán, and shows Christ alive on the cross with two nails through his feet, in accord with typical Spanish conventions. This painting was later included in the 2009 Zurbarán catalogue raisonné, and sold at auction in 2019 to a private collector.

Jacob van Ruisdael – Waterfalls were a favorite theme of Van Ruisdael's, and this painting contrasts the cascading water with the step-like rock formation in the center and the wooden footbridge, on the far right. Seymour Slive, one of three specialists in Dutch painting who reviewed the work, later included this painting in his 2001 Ruisdael catalogue raisonné.

FIGURE 5. Milton Resnick, *Untitled,* c. early 1940s. Oil on fiberboard. 30″ x 40″. Authenticated by IFAR in 2015.

FIGURE 6. Johann Georg Ziesenis, *Portrait of Ferdinand, Duke of Braunschweig-Wolfenbüttel.* Oil on canvas. 28″ x 21″.

FIGURE 7. Jackson Pollock, *Untitled,* 1956. Plaster, gauze, sand & wire. 12 ¼″ x 17½″ x 12″. Authenticated by IFAR as a Pollock Study Piece in 2002.

FIGURE 8. Charles Pollock, *House and Plow in Dust Area,* 1935-1937. Oil on canvas. 21 ¼″ x 29 ¼″. Authenticated by IFAR in 2004.

FIGURE 9. Francisco Zurbarán, *Crucifixion.* Oil on canvas, c.1635. 105″ x 74 ½″. Authenticated by IFAR in 1985.

FIGURE 10. Jacob van Ruisdael, *Wooded Landscape with a Waterfall and Wooden Footbridge.* Oil on canvas. 25″ x 19 ½″.

Nazi-Era Art Loss and Restitution and Provenance Research

Although for many people, the subject of Nazi-Era art looting and restitution and its legal and ethical complexities is relatively new, that is not so for IFAR. We have been publishing on it, and the related subject of provenance research, ever since 1979, the year of our very first periodical. With in-depth reporting and an even-handed approach, we have highlighted the importance of restitution issues to the public and art community. IFAR has organized numerous public programs on the subject, including our landmark April 2000 Conference on Provenance and Due Diligence. IFAR's Executive Director, Dr. Sharon Flescher, participated in a Roundtable organized by the U.S. State Department in advance of the 1998 Washington Conference. We have created tools and resources to facilitate provenance research, which has become an essential step in the due diligence process now expected of collectors, museums, and the marketplace. Our Art Law & Cultural Property Database devotes a section to the growing body of case law dealing with restitution claims. And IFAR has also facilitated restitutions. We will remain involved in this essential, but often difficult and even contentious area, as long as needed.

Vol. 1 / No. 10 / December 1979

Art Theft Archive *Newsletter*

Recovery and Restitution: Active Issues in the Political Arena

Since the early 1970's, there have been two important legal matters pending in the United States, the determination of which could have an extremely significant impact on the domestic and international art market. The first is the proposed legislation to implement the 1970 Unesco Convention on cultural heritage, which has been stalled in the House of Representatives since the Convention was ratified in 1972. Th... civil case in New York, in which the ... is suing a New York private coll... possession of two portraits by Albre...

involved in the Elicofon dispute anticipate renewed activity in the case in the near future, questions arise as to whether the judgement of this case will provide a clarification as to the ownership of works looted from European museums in ... other objects that have been missing for ... time. The outcome of this case will directly ...

Art Theft Archive Newsletter, December 1979

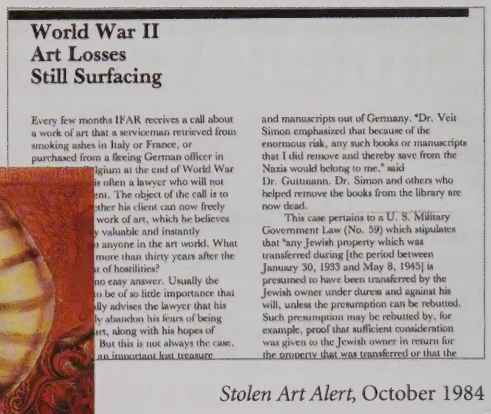
A Dürer Diptych is Awarded to East Germany

...and his wife Felicia, ... in their old place and ... being, not be found. ... This June 12, ... the event described ... Brooklyn judge has ... two Dürer paintings ... gallery. His decision ... event. It brings to cu... legal battle by the E... government for the p... two small masterpiec... had pinned their hop... of the litigation: Edw... New York collector ... paintings in 1948 fo... duchess who claims ... the paintings, which ... Weimar gallery over... the Grand Duke of S... informally, the owne... major New York art ... to sell the works, no... million. The art worl... advisers have also f...

In the summer of 1945, following the surrender of Nazi Germany, an important part of the collection of the

Stolen Art Alert, June 1981

Albrecht Dürer, *Portrait of Felicitas Tucher,* 1499. Awarded with its companion portrait to an East German museum in 1981 after a landmark ownership dispute involving an American collector, Edward Elicofon.



World War II Art Losses Still Surfacing

Every few months IFAR receives a call about a work of art that a serviceman retrieved from smoking ashes in Italy or France, or purchased from a fleeing German officer in ...lgium at the end of World War ...is often a lawyer who will not ...nt. The object of the call is to ...ether his client can now freely ... work of art, which he believes ...y valuable and instantly ...o anyone in the art world. What ... more than thirty years after the ...t of hostilities? ...no easy answer. Usually the ...to be of so little importance that ...lly advises the lawyer that his ...y abandon his fears of being ...art, along with his hopes of ... But this is not always the case. ...an important lost treasure

and manuscripts out of Germany. "Dr. Veit Simon emphasized that because of the enormous risk, any such books or manuscripts that I did remove and thereby save from the Nazis would belong to me," said Dr. Guttmann. Dr. Simon and others who helped remove the books from the library are now dead.

This case pertains to a U. S. Military Government Law (No. 59) which stipulates that "any Jewish property which was transferred during [the period between January 30, 1933 and May 8, 1945] is presumed to have been transferred by the Jewish owner under duress and against his will, unless the presumption can be rebutted. Such presumption may be rebutted by, for example, proof that sufficient consideration was given to the Jewish owner in return for the property that was transferred or that the

Stolen Art Alert, October 1984

IFARreports, June 1986, with the Hartog's Michau on the cover.

The Elicofon Case

In December 1979, IFAR devoted the first of many articles to a complicated WWII restitution case, the *Weimar State Picture Gallery v. Edward Elicofon.*

Mr. Elicofon had purchased two unsigned portraits for $450 from a young ex-U.S. serviceman in 1946. Many years later, Elicofon learned that the portraits were by the great German master, Albrecht Dürer, and still later, in 1965, that they had been taken from a storeroom in Weimar, Germany in 1945, where they had been put for safekeeping by the Weimar State Picture Gallery. In 1966, Mr. Elicofon announced that he owned the paintings, and thus began an ownership battle that played out in U.S. courts for the next fifteen years. The battle was complicated by the fact that the U.S. did not initially have relations with the German Democratic Republic (East Germany), where Weimar was situated, and the Grand Duchess of Saxony-Weimar, whose husband's family had entrusted the paintings to the museum in the 19th century, also put in a claim. Eventually, the paintings were awarded to East Germany.

Theobald Michau, *A Wooded River Landscape with Peasants and Cattle by a Ferry, a Village Beyond.* Oil on copper. Sold at auction in 2002 after a restitution settlement.

The Hartog Claim

Among the many looting stories IFAR has highlighted is that of the family of Paul Hartog, a Jewish banker in pre-War Berlin who later died in the Thereseinstadt Concentration Camp. In 1986, Hartog's heirs asked IFAR to help locate a dozen Old Master paintings stolen by the Nazis. IFAR put one of the works, *River Landscape* by Theobald Michau, on the cover of *IFARreports* in 1986. The work had been offered for sale by Hartog under duress in 1934 and was later one of twelve works seized by the Gestapo in 1942. All twelve were published in the Stolen Art Alert of the same issue. The Michau surfaced several times in Europe over the years. Eventually, the Hartog heirs negotiated a settlement with the current possessors, under which the painting was sold at Sotheby's London in July 2002 and full legal title passed to the successful bidder. Another Hartog painting, *The Letter,* by a follower of Gerard ter Borch (not one of the 12 listed by IFAR in 1986), turned up in the Denver Art Museum. The museum returned that painting to the Hartog family in 2001 in response to a simple email request, without even the threat of litigation. It was a happy – and rare – story, and IFAR covered it, too, in the *IFAR Journal* (Vol. 4, no. 1). The heir, Marianne Rosson, then 80 years old, remarked that she had last seen the painting 67 years earlier, hanging in her mother's room, and that, as it was the first work from her family's collection that was returned, she felt "it wouldn't be right to sell it." Other works from the Hartog Collection are still missing.

Quedlinburg Settlement Leaves Fate of Meador Heirs Uncertain

On March 7, the Dallas Museum of Art opened an extraordinary exhibition of medieval church treasure stolen in Germany in 1945 by an American soldier from Whitewright, Texas. Lieut. Joe Tom Meador died in 1980, and his heirs, a brother, Jack Meador, and a sister, Jane Meador Cook, have now agreed to return what he took, making the exhibition possible. Included in the agreement are several reliquaries of rock crystal in gold

through a Bavarian dealer in rare manuscripts a "finder's fee." Others called it ransom and believe the decision to succumb to extortion is a fundamental mistake that sets an expensive precedent for the return of other stolen art. Rewards and finder's fees are often useful in recovering stolen art, but they are properly paid to persons who can provide information leading to the recovery of the art as well as to the identity and prosecution of the

IFARreports, February/March 1992

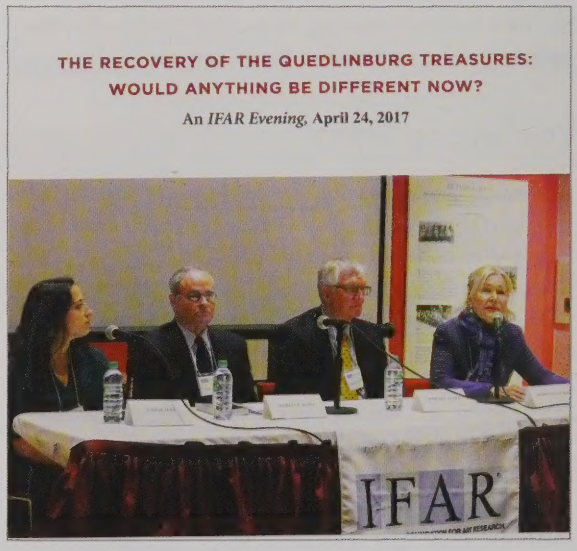
Quedlinburg Treasure. Samuhel Gospels jeweled cover, c.1225-30. Wooden core with gilt silver, precious and semi-precious stones, and pearls.

Quedlinburg

A very different WWII-Era story attracted IFAR's attention in 1990, involving an ex-U.S. serviceman. It has become known as The Quedlinburg Case. In 1945, Lieutenant Joe Tom Meador stole priceless medieval church treasures belonging to the Church of Quedlinburg in East Germany from a mineshaft where they had been put for safekeeping and where the U.S. Army was supposed to be guarding them. Upon his release from the military, Meador sent the objects to Texas, where he showed them to family and friends. When Meador died in 1980, his family tried to sell the treasures. Eventually, they "ransomed" them back to the German government in 1992, getting close to $3 million. IFAR was not happy with that outcome and used its editorial discretion to object to the precedent set by the German government in "paying" to get back what it rightfully owned. The full case is well documented in a book by William H. Honan of *The New York Times*, who later gave a talk for IFAR on the subject.

Quedlinburg Treasure. Reliquary Flask in the Form of Two Birds. Carved rock crystal (Fatimid Egypt, 10th century) with gilt silver mounts (German, 14th century).

Twenty-five years later, IFAR returned to this story, in conjunction with the release of a documentary film, *The Liberators*, devoted to the Quedlinburg saga. At an *IFAR Evening* on April 24, 2017, Thomas Kline, one of the attorneys on the Meador case, and Dr. Charles Little, Curator Emeritus of Medieval Art at The Met, addressed the question of whether the events in Texas and the subsequent sale would have been different if the Treasures were found now. The film producer showed excerpts from the documentary, and the program was published in the *IFAR Journal* (Vol. 18, no. 1).



IFAR Evening panel, 2017, left to right: Cassie Hay, Thomas R. Kline, Charles T. Little, Sharon Flescher.

The Liberation of St. Peter from Prison, formerly attributed to Rembrandt. Pen and bistre on paper. Restituted to the Feldmann family in November 2004.

IFAR HELPS IN RESTITUTION OF NAZI-LOOTED DRAWING

PRESS RELEASE

Commission for Looted Art in Europe
76 Gloucester Place
London W1U 6HJ

International Foundation for Art Research (IFAR)
500 Fifth Avenue, suite 935
New York, NY 10110

NAZI-LOOTED DRAWING ATTRIBUTED TO REMBRANDT RETURNS TO FELDMANN FAMILY

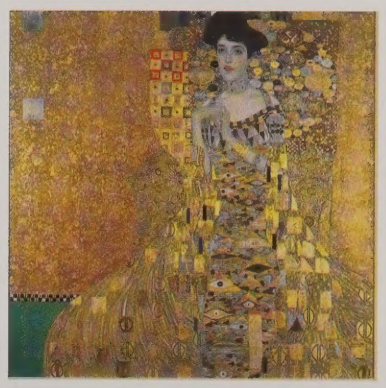
TUESDAY, NOVEMBER 30, 2004 The London-based Commission for Looted Art in Europe and the International Foundation for Art Research (IFAR), headquartered in New York, are delighted to announce today the restitution of a drawing attributed to Rembrandt to the heirs of the late Dr. Arthur Feldmann of Brno, Czechoslovakia.

IFAR Aids in Return of a Looted Drawing

Although IFAR's restitution work is oriented toward education, research and publications, in 2004 we helped restitute an artwork – a drawing long attributed to Rembrandt – that was once part of an enormous collection amassed by Dr. Arthur Feldmann of Brno, Czechoslovakia. The drawing, *The Liberation of Saint Peter from Prison,* was looted by the Nazis on the day they invaded Czechoslovakia, March 15, 1939. The return was initiated when the American owner of the drawing, whose family had acquired the work in good faith in Amsterdam some 30 years earlier, approached IFAR asking us to ascertain whether the work was the same one that had been listed in a scholarly publication as having been in the Feldmann Collection. If that turned out to be the case, the owner asked IFAR to facilitate its return and made it clear that no money would be requested for the transfer. In turn, IFAR performed its services (which, as it happened, took a couple of years) without remuneration. In the course of that research, we also downgraded the attribution, and, currently, the British Museum, to which the Feldmann heirs donated the work along with four other subsequently-restituted drawings, attributes it to Rembrandt follower, Govaert Flinck.

Publications and Programs

The pages of *IFARreports* and *IFAR Journal* are replete with discussions and analyses of Nazi-Era art claims working their way through the legal process and the court of public opinion. In addition to the cases already mentioned, these include: the *Gutmann v. Searle* dispute over the ownership of a Degas monotype pastel, which was settled out of court on the eve of



Gustav Klimt, *Adele Bloch-Bauer I,* 1907. One of five paintings restituted by Austria to the heirs of Ferdinand Bloch-Bauer in 2004. The painting is now in the Neue Galerie, New York.

Edgar Degas, *Landscape with Smokestacks,* 1890-1893. Monotype pastel. Claimed by the heirs of Friedrich and Louise Gutmann from Daniel Searle. The parties settled. The work is now in The Art Institute of Chicago.

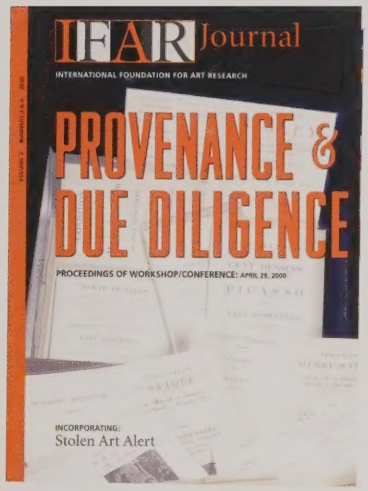
trial in 1998, and the dispute over a Matisse *Odalisque* claimed by the heirs of the French art dealer Paul Rosenberg after it turned up in the collection of the Seattle Art Museum, a gift from the Bloedel family, who had purchased it in good faith from a major dealer in 1951. The painting was returned to the Rosenberg family in 1999. More recently, IFAR followed in infinite detail and numerous articles, the long-running disputes over: five Gustav Klimt paintings in Austria's Belvedere Museum claimed by a California resident, Maria Altmann; two panels of *Adam* and *Eve* by Lucas Cranach in the Norton Simon Museum in Pasadena that were claimed by Marei von Saher, heir to the Goudstikker Collection, but awarded to the museum; the Cassirer family claim against Madrid's Thyssen Bornemisza Foundation for a Pissarro painting that the family was forced to relinquish in Germany during the Nazi period and was later acquired by the Foundation. In the case of the Cranach panels, several years in court ended with a decision keeping the paintings in the museum. The fate of the Pissarro painting is still unclear as this 50th Anniversary *Journal* issue goes to press.

U.S. State Department Roundtable, 1998

IFAR has been a participant in or organizer of many conferences and programs relating to WWII-Era art loss. In 1995, our then Executive Director, Dr. Constance Lowenthal, was on the organizing committee of the landmark Spoils of War Conference hosted by the Bard Graduate Center. Carrying on that tradition, current Executive Director, Dr. Sharon Flescher, participated in the already mentioned Roundtable organized by the U.S. State Department in 1998, in advance of the Washington Conference, whose Principles, signed by 44 countries, have guided restitution claims to this day. Dr. Flescher also participated in an Advisory Roundtable on this subject organized by the National Archives and Records Administration (NARA), in addition to numerous talks and panels. Of note, in December 2018, IFAR organized a panel commemorating the 20th Anniversary of the Washington Conference and assembled as speakers some of the participants from the 1998 Advisory Roundtable. We later published the edited version in the *Journal* (Vol. 19, no. 4, 2019).

THEN AND NOW:
THE 20TH ANNIVERSARY OF THE WASHINGTON CONFERENCE
ON HOLOCAUST-ERA ASSETS
An *IFAR Evening*, December 10, 2018
IFAR
INTERNATIONAL FOUNDATION FOR ART RESEARCH

IFAR Evening panel, left to right: Stuart E. Eizenstat, Monica Dugot, Sharon Flescher (standing), Lawrence M. Kaye, Lynn Rother.



Provenance Research

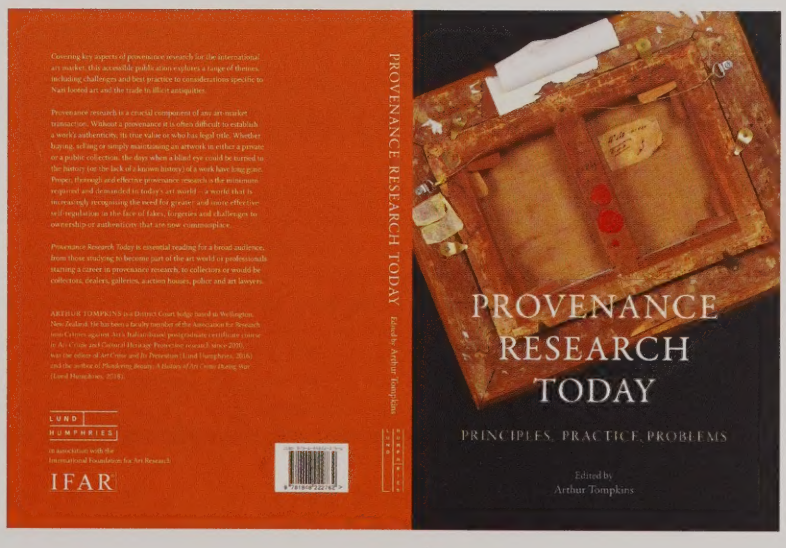
Provenance and Due Diligence Conference and Publications

Provenance research is inextricably tied to restitution issues, and here, too, IFAR has played a leadership role. In April 2000, IFAR, in collaboration with NYU, organized a Workshop/ Conference on Provenance and Due Diligence, whose influence resounds to this day. Covering both the methodology and resources for undertaking the still-new area of WWII-Era provenance research and the legal underpinnings for restitution claims, the conference augured in a new direction in the field and was attended by a broad spectrum of the art and legal communities, including representatives from museums on three continents. The proceedings, published as an entire special issue of the *IFAR Journal* (Vol. 3, nos. 3&4), remains one of the most popular *Journal* issues ever, and also an indispensable resource. One of the unplanned events at the conference was the brief presentation by program attendee, Craig Hugh Smyth, Director of Harvard's Center for Renaissance Studies (I Tatti) and a member of IFAR's Art Advisory Council. In the years just after WWII, Smyth set up and administered the Munich Collecting Point, which was charged with storing looted artworks from German repositories and restituting them to the countries from which they came.

In 2020, in conjunction with the British publisher Lund Humphries, IFAR co-published *Provenance Research Today: Principles, Practice, Problems,* a comprehensive overview of the field of provenance research in its broadest context – from authenticity and attribution to law and restitution, even to the way in which science and conservation studies can confirm or refute an alleged provenance. IFAR's Executive Director, Dr. Sharon Flescher, contributed a chapter on "The Challenges of Provenance Research." The following spring, when the publication was released in the United States, IFAR convened an April 2021 panel on provenance research entitled: Provenance Research: Where Scholarship Meets Diligence, to tackle the subject once again. As one of the six speakers, the panel featured the "dean" of the WWII-Era provenance field, Lynn Nicholas, author of *The Rape of Europa,* one of the pioneering publications on Nazi-Era art looting, who provided insights into the way provenance research had changed in the years since 1993, when her book was published (and when she gave the first of her three *IFAR Evening* talks. The other was in 2005 and now again in 2021).

Of course, provenance research is also integral to IFAR's work in attribution and authenticity issues, so IFAR comes by its interest and expertise in provenance research quite naturally. Over the years, in addition to the April 2000 conference, we have published and lectured extensively on the subject, and we undertake provenance research for individuals, organizations, museums, and government agencies.

In addition, we have made available – free of charge – a Provenance Guide on our website, which serves as a "how-to" on undertaking provenance research (more later).



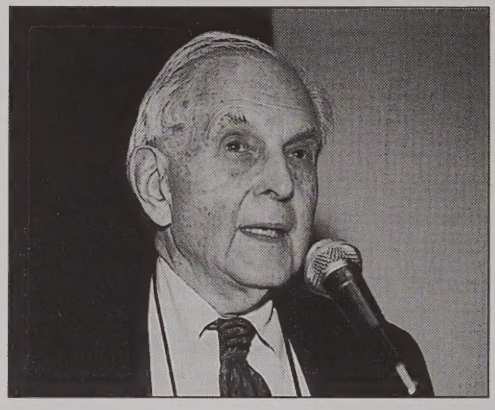
Excerpt from *IFAR Journal*, Vol. 3, nos. 3&4, devoted to the proceedings of the Provenance and Due Diligence conference:

Afternoon Session Due Diligence—Legal Issues

Introduction

Sharon Flescher

Welcome back to the afternoon session. Before proceeding with the scheduled speakers, I want to introduce a special guest, Craig Hugh Smyth, one of the heroes in the World War II-era art-restitution story. In 1945-46, Mr. Smyth, then a young Naval Lieutenant, set up and administered the Munich Central Art Collecting Point of the Monuments, Fine Arts, and Archives Service (MFA&A) of the U.S. Armed Forces. This Collecting Point was charged with storing and protecting art and archives brought by MFA&A from German repositories in southern Germany and Austria and with overseeing the restitution of looted objects to the countries from which they had been removed. After the War, Mr. Smyth became Director of the Institute of Fine Arts, New York University, for twenty-two years and then Director of Harvard's Center for Italian Renaissance Studies (I Tatti). He has more recently held the annual Mellon professorship at the Center for Advanced Study in the Visual Arts at the National Gallery of Art, Washington. He is also a former member of IFAR's Board and a current member of IFAR's Art Advisory Council. We are honored to have him say a few words today.



Special Guest Speaker: Craig Hugh Smyth.

A First-Hand Account of the MFA&A

Craig Hugh Smyth

Thank you. I want to mention the name of George Stout. Before the war he was head of the laboratory for conservation at Harvard's Fogg Art Museum, where he had introduced the scientific study of techniques in art and founded the innovative periodical *Technical Studies*. It was Stout who suggested to President Roosevelt that there should be, as part of the Army, a Monuments, Fine Arts, and Archives Service. As a result-with the support of, among others, Francis Henry Taylor, Director of the Metropolitan Museum of Art, Professor Paul Sachs, Head of the Fogg Museum at Harvard, Professor William Bell Dinsmoor of Columbia University, and Professor Charles Rufus Morey of Princeton-for the first time in war a section of an armed force was dedicated to the protection of "the common cultural heritage of the human race;' threatened by the war. There were Monuments officers with the troops as they came across Europe and up through Italy; then, when hostilities were over, there were Monuments, Fine Arts, and Archives officers to set up Collecting Points for art and archives that had been dispersed or hidden, some in deep mines within Austria. It was George Stout who, not only invented the operation, but was a Monuments officer in the field across Europe. He was also the one who began the operation of removing works of art hidden in repositories to Collecting Points for safe care and the repatriation of works taken during the war. One hopes that in hostilities of the future there can always be a component of the Armed Forces that is concerned with protecting fine arts, archives, and architecture that are in the path of war.

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We congratulate IFAR on its 50th!

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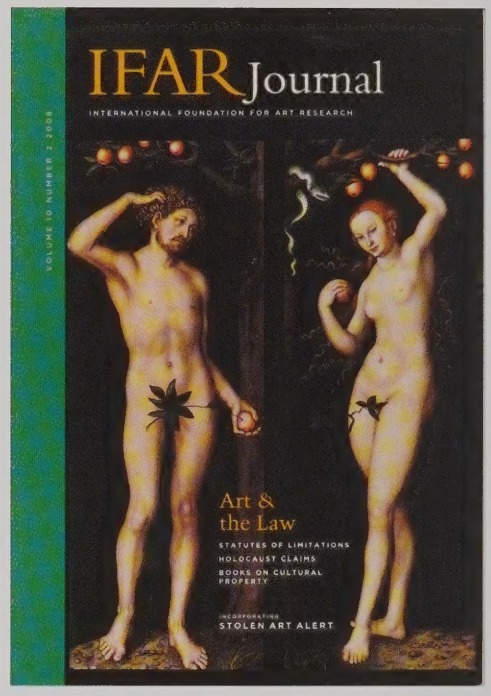
IFAR & the Law



IFAR Journal, Vol. 10, no. 2, 2008

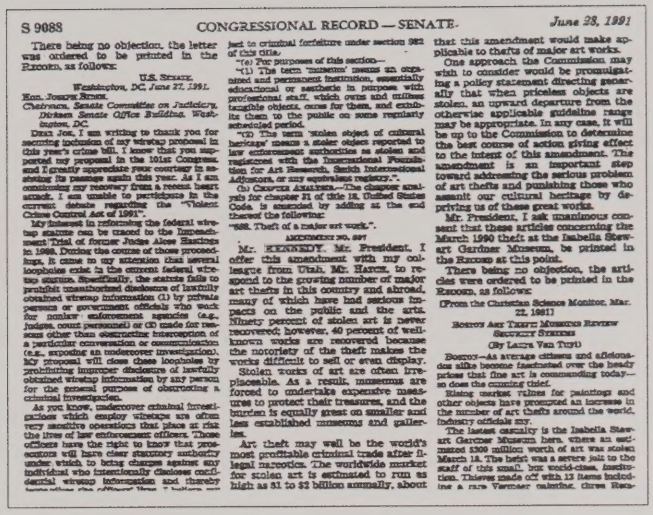
Almost from inception, IFAR has had a dual strength in art scholarship and in law, which is not surprising given its origins and a former Assistant Attorney General of New York State as a founding trustee. In 1987, that duality became concrete when IFAR created an art law section in *IFARreports,* carried over into the *IFAR Journal.* Simultaneously, it created a Law Advisory Council to join the Art Advisory Council, with the previously mentioned Franklin Feldman as its guiding spirit. Over the years, Council members and other distinguished attorneys have contributed to IFAR publications, participated in IFAR programs, and have helped inform both IFAR and the public on issues of concern.

The pages of IFAR publications are a veritable history of the expanding field of international art law, including not only discussions of art theft and fraud and the legal liabilities of experts rendering opinions (the very concern that spawned the creation of IFAR), but also international cultural property issues, statutes of limitations, issues of ownership and legal title, and, increasingly, World War II-Era art restitution issues as they play out in the U.S. and abroad. Indeed, IFAR is one of, if not the only organization to have consistently covered these issues for more than 40 years.

IFAR's art law footprint expanded in 2008 with the launch of its online Art Law & Cultural Property Database (discussed elsewhere). A "living" resource used by museums, universities, law firms, and individuals, the Database features hundreds of legal cases and statutes in IFAR's focus areas and international cultural property legislation from more than 130 countries – and growing.

A Selection of IFAR Programs and Articles on Art Law

- "Legal Liabilities for Art Experts" – *IFAR Evening,* November 1982
- "The French Law of Experts" – *IFAR Evening,* December 1997
- "What the Art World Needs to Know about the Ivory Ban" – *IFAR Evening,* November 2015
- "Artists' Resale Rights in the U.S.: Overdue or Shouldn't Do?" – *IFAR Evening,* November 2013
- "Expert Opinions and Liabilities," *IFAR Journal,* Vol. 2, no. 3; Vol. 6, no. 4; Vol. 9, no. 2; and *IFARreports,* Oct. 1987
- "Restitution Roulette…," *IFAR Journal,* Vol. 16, no. 3, 2015
- "What Art Collectors Need to Know about Copyright," *IFAR Journal,* Vol. 10, nos. 3&4, 2008/2009
- "The Who, What, Why, and How of the Cultural Property Advisory Committee: The Legal Basis," *IFAR Journal,* Vol. 10, nos. 3&4, 2008/2009
- "Twitter Photos Protected by Copyright …," *IFAR Journal,* Vol. 15, no. 2, 2014
- "The Ninth Circuit Ruling in Favor of the Norton Simon Museum," *IFAR Journal,* Vol. 19, no. 3, 2018
- "The Statute of Limitations in art Recovery Cases," *IFAR Journal,* Vol. 1, no. 3, 1998
- "Book Review: More Books on World War II's Legacy in Art and Law," *IFAR Journal,* Vol. 8, no. 2, 2007
- "New Sculpture Law in New York," *IFARreports, May* 1991



S 9088 CONGRESSIONAL RECORD — SENATE June 28, 1991

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 27, 1991.

Hon. JOSEPH BIDEN,
Chairman, Senate Committee on Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR JOE, I am writing to thank you for securing inclusion of my wiretap proposal in this year's crime bill. I know that you supported my proposal in the 101st Congress and I greatly appreciate your courtesy in assisting its passage again this year. As I am continuing my recovery from a recent heart attack, I am unable to participate in the current debate regarding the "Violent Crime Control Act of 1991".

My interest in reforming the federal wiretap statute can be traced to the Impeachment Trial of former Judge Alcee Hastings in 1988. During the course of those proceedings, it came to my attention that several loopholes exist in the current federal wiretap statute. Specifically, the statute fails to prohibit unauthorized disclosure of lawfully obtained wiretap information (1) by private persons or government officials who work for nonlaw enforcement agencies (e.g., judges, court personnel) or (2) made for reasons other than obstructing interception of a particular conversation or communication (e.g., exposing an undercover investigation). My proposal will close these loopholes by prohibiting improper disclosure of lawfully obtained wiretap information (1) by any person for the corrupt purpose of obstructing a criminal investigation.

As you know, undercover criminal investigations which employ wiretaps are often very sensitive operations that place at risk the lives of law enforcement officers. These officers have the right to know that prosecutors will have clear statutory authority under which to bring charges against any individual who intentionally discloses confidential wiretap information and thereby [illegible] just to criminal forfeiture under section 982 of this title.

"(e) For purposes of this section—

"(1) The term 'museum' means an organized and permanent institution, essentially educational or esthetic in purpose with professional staff, which owns and utilizes tangible objects, cares for them, and exhibits them to the public on some regularly scheduled period.

"(2) The term 'stolen object of cultural heritage' means a stolen object reported to law enforcement authorities as stolen and registered with the International Foundation for Art Research, Smith International Adjustors, or any equivalent registry.".

(b) CHAPTER ANALYSIS.—The chapter analysis for chapter 31 of title 18, United States Code, is amended by adding at the end thereof the following:

"668. Theft of a major art work.".

AMENDMENT NO. 897

Mr. KENNEDY. Mr. President, I offer this amendment with my colleague from Utah, Mr. HATCH, to respond to the growing number of major art thefts in this country and abroad, many of which have had serious impacts on the public and the arts. Ninety percent of stolen art is never recovered; however, 40 percent of well-known works are recovered because the notoriety of the theft makes the works difficult to sell or even display.

Stolen works of art are often irreplaceable. As a result, museums are forced to undertake expensive measures to protect their treasures, and the burden is equally great on smaller and less established museums and galleries.

Art theft may well be the world's most profitable criminal trade after illegal narcotics. The worldwide market for stolen art is estimated to run as high as $1 to $2 billion annually, about that this amendment would make applicable to thefts of major art works.

One approach the Commission may wish to consider would be promulgating a policy statement directing generally that when priceless objects are stolen, an upward departure from the otherwise applicable guideline range may be appropriate. In any case, it will be up to the Commission to determine the best course of action giving effect to the intent of this amendment. The amendment is an important step toward addressing the serious problem of art thefts and punishing those who assault our cultural heritage by depriving us of these great works.

Mr. President, I ask unanimous consent that these articles concerning the March 1990 theft at the Isabella Stewart Gardner Museum, be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Mar. 22, 1991]

BOSTON ART THEFT MUSEUM REVIEW SECURITY STRESSED

(By Laura Van Tuyl)

BOSTON—As average citizens and aficionados alike become fascinated over the heady prices that fine art is commanding today—so does the coveting chief.

Rising market values for paintings and other objects have prompted an increase in the number of art thefts around the world, industry officials say.

The latest casualty is the Isabella Stewart Gardner Museum here, where an estimated $300 million worth of art was stolen March 18. The heist was a severe jolt to the staff of this small, but world-class, institution. Thieves made off with 13 items including a rare Vermeer painting, three Rem-

Congressional Record, June 28, 1991

Over its 50 years, IFAR has worked closely with the FBI, U.S. Customs, the DEA, and other law enforcement agencies, and both the FBI and U.S. Customs have awarded IFAR certificates for service, which are proudly displayed in IFAR's office.

IFAR Written into the Congressional Record

In 1991, in the wake of the Isabella Stewart Gardner Museum Theft (see elsewhere in this issue), Senators Edward (Ted) Kennedy and Orrin Hatch shepherded through the Senate an amendment to the Violent Crime Control Bill that made the theft of art from a museum a federal crime. The bill was subsequently enacted into law. Senator Kennedy's office consulted IFAR in the course of this legislation and IFAR was written into the bill:

> The term "stolen object of cultural heritage" means a stolen object report to law enforcement authorities as stolen and registered with the International Foundation for Art Research, Smith International Adjustors, or any equivalent registry.

The following is an excerpt of an article that appeared in the *IFAR Journal*, Vol. 9, no. 2, 2007, one of several on the same important subject.

EXPERT OPINIONS AND LIABILITIES – AN IFAR UPDATE

JUDITH BRESLER*

EDITOR'S NOTE:

In its continuing interest in issues of attribution, authenticity, and liability of experts when rendering opinions, IFAR invited attorney Judith Bresler to update her three previous IFAR articles on this subject. (See IFAR Journal, Vol. 6, no. 4, 2003/04; Vol. 2, no. 3, 2000; and IFARreports, October 1987.) The following article, as did its predecessors, focuses on recent case law.

It is hardly news that fakes, forgeries, and works of doubtful provenance, including World War II plunder, continue to proliferate in the United States art market. In addition, a number of antiquities and other artifacts, amid evolving judicial interpretation of the National Stolen Property Act, have been repatriated in recent years in the glare of the media. Accordingly, expert opinions become a crucial instrument in serving to rid the market of unwanted material. More than ever, museums and other institutions, increasingly diligent in accessioning works of art, as well as collec-

> ". . . Aggrieved parties often seek recourse through other theories of liability – notably, in recent years, fraud. As is seen in two of the following cases, however, fraud's legal requisites generally defeat the litigious plaintiff. Collectors, stand warned."

The following is an excerpt of an article that appeared in the *IFAR Journal*, Vol. 10, no. 2, 2008.

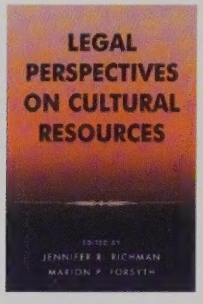
ANTIQUITIES AND THE LAW:

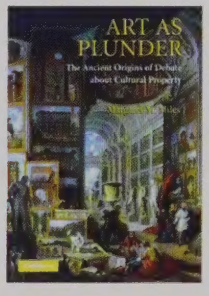
A SURVEY OF RECENT BOOKS

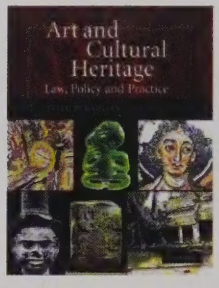
SUSAN B. BRUNING*

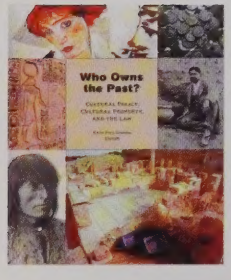
EDITOR'S NOTE:

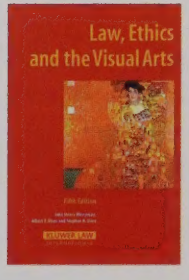
In 1998, IFAR invited attorney Susan Bruning to survey "Current Art Law Books" (IFAR Journal, Vol. 2, no. 1). In its continued interest in the subject, IFAR has asked Ms. Bruning to do a new survey focusing specifically on the mushrooming body of literature devoted to the collecting and owning of cultural property/ antiquities.

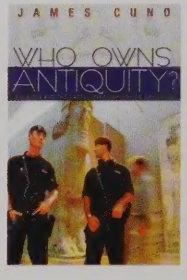


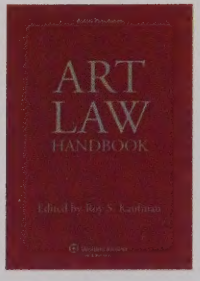


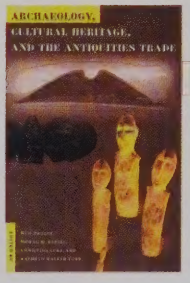












If you didn't exist, it would be necessary to invent you.

Congratulations IFAR on 50 years of accomplishment and service!

I am proud to be a part of your past – and your future.

Sharon Flescher

Congratulations IFAR on 50 years of service to the art world
We are proud to support the International Foundation for Art Research.
Oren Warshavsky | Gonzalo Zeballos | Tatiana Markel | Michelle Usitalo
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Selected IFAR Awards & Honors

The Gold Medal (front and back) awarded to IFAR by The National Arts Club, November 15, 2007.

IFAR's current and former Executive Directors. Left to right: Bonnie Burnham, Sharon Flescher, and Constance Lowenthal at The National Arts Club awards dinner.

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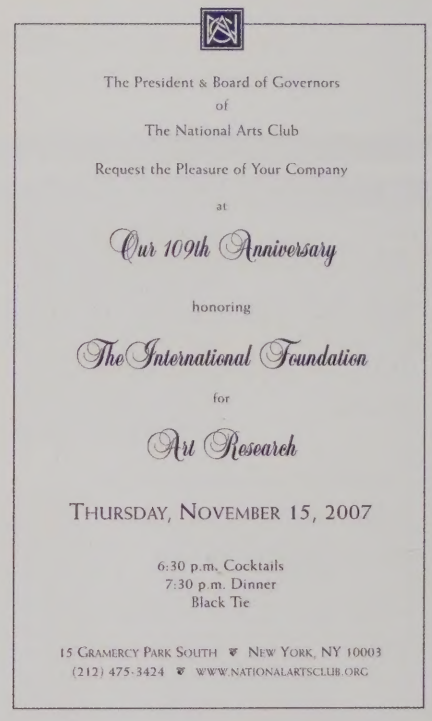
Presented March 10, 1987

Dennis R. Fagan
Special Agent in Charge/New York

Certificate awarded by U.S. Customs to IFAR in 1987.



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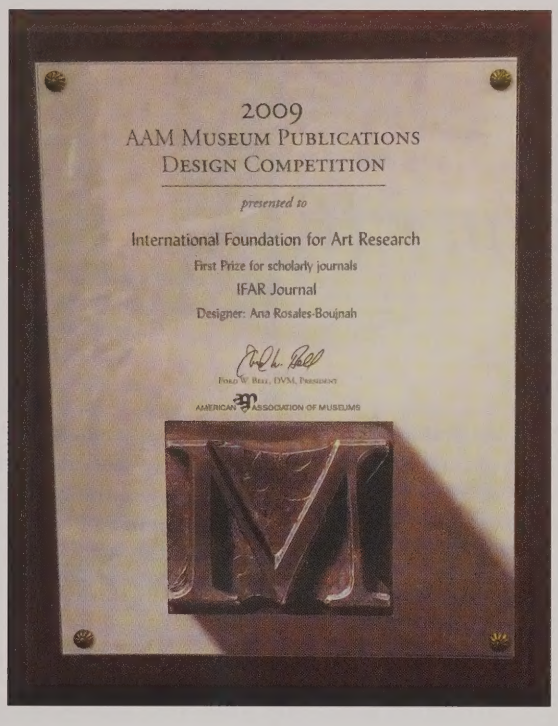
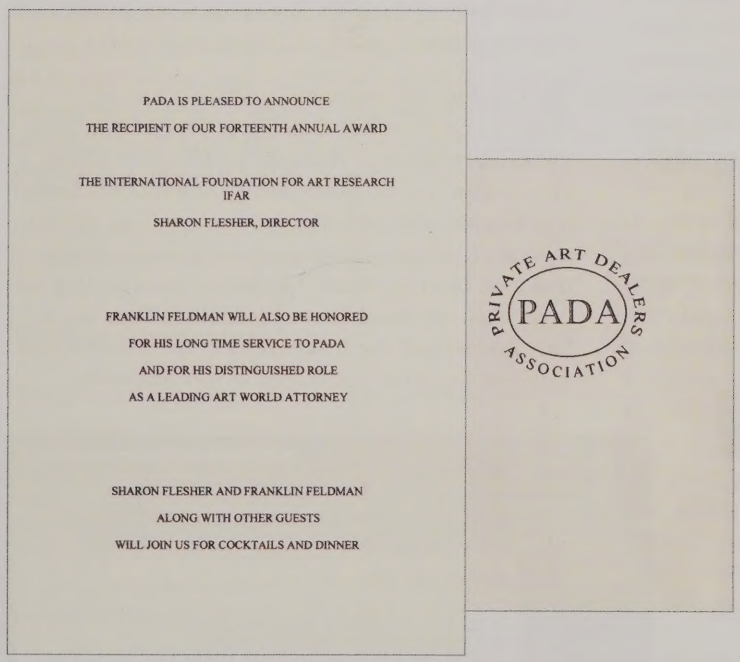
Invitation to The National Arts Club dinner honoring IFAR.



One of eight awards for the *IFAR Journal* in the American Alliance of Museums Publications Competition.

Proclamation by the New York City Council honoring IFAR on its 50th Anniversary.


PADA IS PLEASED TO ANNOUNCE

THE RECIPIENT OF OUR FORTEENTH ANNUAL AWARD

THE INTERNATIONAL FOUNDATION FOR ART RESEARCH
IFAR

SHARON FLESHER, DIRECTOR

FRANKLIN FELDMAN WILL ALSO BE HONORED
FOR HIS LONG TIME SERVICE TO PADA
AND FOR HIS DISTINGUISHED ROLE
AS A LEADING ART WORLD ATTORNEY

SHARON FLESHER AND FRANKLIN FELDMAN
ALONG WITH OTHER GUESTS
WILL JOIN US FOR COCKTAILS AND DINNER

PRIVATE ART DEALERS ASSOCIATION
PADA

Invitation to the dinner honoring IFAR at the Fourteenth Annual PADA Award, November 7, 2007.

Plaque awarded by the FBI to IFAR in 1989.

• • •

The Present and Future IFAR

Like any vital, organic institution, and as outlined on the previous pages, IFAR has evolved over the years, but its dedication to integrity and service has been constant. In recent years, IFAR has re-emphasized its educational and research mission; reinvigorated its public programming and spearheaded conferences. It has introduced this award-winning *Journal;* expanded its research; and transformed its website into an interactive information resource.

Digital Resources

The revised and expanded IFAR website, launched in late 2008, introduced three major new resources. The first, the already mentioned Art Law & Cultural Property Database, addressed the need for a resource to help users navigate the increasingly abundant legislation and case law relating to the acquisition, ownership, and authenticity of art objects. The second is the Catalogues Raisonnés Database, comprising two inter-related databases, one devoted to catalogues raisonnés already published; the other to catalogues still in preparation. No other such electronic resource exists. None! Significantly, the Database is a natural outgrowth of IFAR's longstanding interest in issues of attribution and authenticity, and the related subject of catalogues raisonnés – scholarly documentations of an artist's body of work. They are important not only for verifying the attribution of an artwork, but also for tracking its history of ownership, which, of course, factors into so many of the restitution claims featured in the *IFAR Journal.*

IFAR's interest in catalogues raisonnés goes back to at least the mid-1980s, when we organized the first of many talks and panels on the subject. In December 2001, we organized a landmark Conference on Catalogues Raisonnés and the Authentication Process and then published the proceedings in a special double issue of the *IFAR Journal.* It is one of the most popular *Journals* and is still being purchased.

The Catalogues Raisonnés Database is a living resource, continuously expanded. Currently, it contains information on more than 5000 publications. We continue to add functionality and recently linked to URLs of catalogues that only exist online, as well as to the full texts of printed catalogues raisonnés that have been digitized. The latter capability did not exist when the Database was launched. Thus far, we have maintained the Database as a free resource, and will continue to do so, as long as it is supported.

IFAR @50 INTERNATIONAL FOUNDATION FOR ART RESEARCH (IFAR)
500 Fifth Avenue, Suite 935, New York, NY 10110
TEL (212) 391-6234 FAX (212) 391-8794 WWW.IFAR.ORG

FOR IMMEDIATE RELEASE
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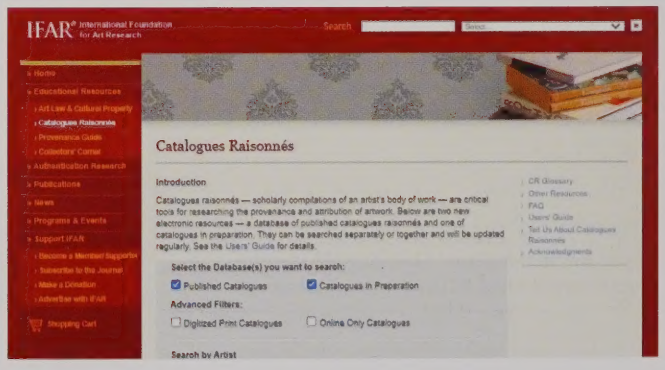
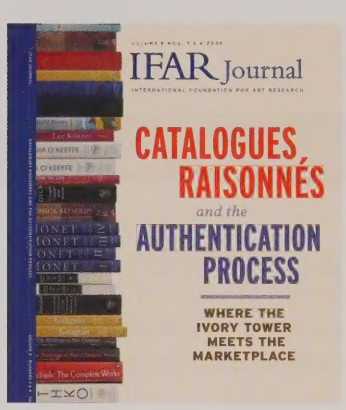
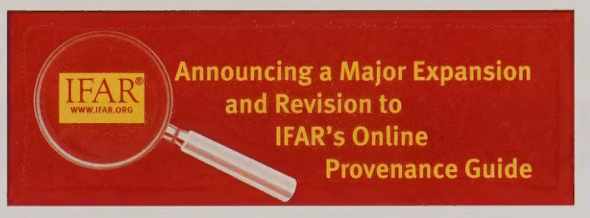
IFAR LAUNCHES ENHANCEMENTS TO ITS COMPREHENSIVE CATALOGUES RAISONNÉS DATABASE

New filtering features allow users to find the growing number of digital and online catalogues in IFAR's database of more than 4,700 catalogues raisonnés

New York, NY – The International Foundation for Art Research (IFAR) – a nonprofit educational and research organization addressing issues of art attribution, authenticity, provenance, theft and restitution – announces important new functionality to its online Catalogues Raisonnés Database. The


IFAR International Foundation for Art Research
Search
Catalogues Raisonnés
Introduction
Catalogues raisonnés — scholarly compilations of an artist's body of work — are critical tools for researching the provenance and attribution of artwork. Below are two new electronic resources — a database of published catalogues raisonnés and one of catalogues in preparation. They can be searched separately or together and will be updated regularly. See the Users' Guide for details.
Select the Database(s) you want to search:
Published Catalogues
Catalogues in Preparation
Advanced Filters:
Digitized Print Catalogues
Online Only Catalogues
Search by Artist





The third resource is IFAR's Provenance Guide, which serves as a primer for undertaking provenance research. It includes numerous links to other resources, and, it too, is continuously updated and offered free of charge to users.

A Digital Publication

It is clear from this description, that part of IFAR's future is digital. This involves revamping our website, so as to keep up with advances that have become available since the website's 2008 launch, and will also make it more user friendly for mobile users. Similarly, we plan to digitize the *IFAR Journal* to co-exist with the hard copy, which has won so many awards in the AAM publications contest. This will enable us to bring the *Journal*'s unique content to a younger and broader audience, an audience that has grown used to reading publications digitally, and on mobile devices.

By extension, this also means expanding IFAR's social media footprint beyond our current Facebook page.

Virtual Programming

The Covid-19 pandemic, which, alas, is not yet over, has required everyone to shift gears. IFAR is no exception. We pivoted to virtual programming for our very popular series of *IFAR Evenings,* and while we all miss the person-to-person contact and look forward to returning to in-person programs at some point, virtual programming has enabled us to reach broader audiences in countries around the world. We want to retain this new audience, perhaps with hybrid programming, after we eventually return to in-person programs.

Noteworthy here is that IFAR's in-person programs were almost always sold out. And for a good reason: the quality of the speakers and programs, and the relevance of the topics. Here are just a few of our recent programs:

- The FBI's Art Crime Team
- Abstract Expressionism in a Global Context
- Behind the Scenes of Museum Security and Theft
- Raphael after 500 Years
- Notre Dame: Iconic Cathedral, Disastrous Fire, Uncertain Future
- John Richardson: Picasso Scholar and Art World Luminary
- What is it about Modigliani?
- Leonardo: Rediscovering the Man and His Genius

In its programming, IFAR has tried to respond to important issues in the news in a substantive and timely way, whether the threat of bankruptcy at the Detroit Institute of Arts; the looting of the Iraq Museum in the wake of war; the ravages of Hurricane Katrina on the Gulf Coast art community; the aftereffects of the Knoedler Gallery art scam; or the disbanding of the Andy Warhol Authentication Board. We will continue to do so.

Endowment Campaign

We mentioned in the beginning of this *Journal* that, in recognition of its milestone 50th Anniversary, IFAR is about to embark on its first ever Endowment Campaign. Despite its name, IFAR has never been an endowed foundation. An endowment will help ensure long-term stability, so that we will be here for another 50 years serving the public and art world. Endowment funds will also enable us to accomplish some of the expansion goals set forth above, and others. We will accomplish all this while continuing to provide the services and resources that the art community trusts us and depends on us to do. Stay tuned. There will be more about the Campaign another time.

One thing that you can be assured of, however: our dedication to integrity and scholarship will never waiver. That is our pledge to you our readers, and to the public.

IFAR ART AUTHENTICATION RESEARCH SERVICE

For more than fifty years, IFAR has offered a unique Art Authentication Research Service, which works to resolve questions concerning the attribution of works of art. As a not-for-profit organization with a distinguished Art Advisory Council and a worldwide network of scholars, IFAR is free to render objective opinions unaffected by the marketplace.

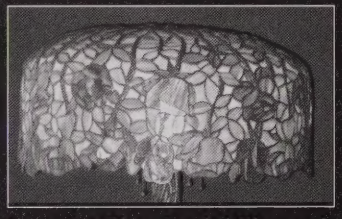
IFAR offers its services to individuals, dealers, museums, and other institutions. We examine art only for the owner, or with the owner's consent. We are only able to accept a limited number of projects each year. As an educational organization, IFAR reserves the right to publish the results of its research.

For additional information, please call (212) 391-6234
or go to www.ifar.org.

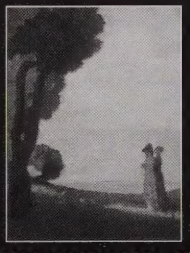
ADVERTISEMENT

STOLEN

A glass lampshade and four paintings by American artists were stolen from a private residence in Portland, Oregon on March 12, 2020. *L20.832. Anyone with information about their whereabouts should send an email to: contact@owengallery.com

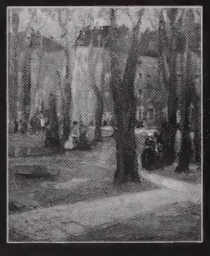


Unique Art Glass, Leaded Glass and Metal Rosebush Lamp, c. 1906-1909. Brown-green patina; shade impressed HANDEL at a later date. H: 25 ½ inches; D: 20 ½ inches.



MAX BOHM (1868-1923). ***Evening Promenade.*** Oil on canvas. 24 x 18 inches. Signed.

WILLIAM GLACKENS (1870-1938). ***Study for: L'Isle Adam, Seine -et-Oise,*** France, c. 1926-1928. Pastel on paper. 8 x 12 inches.



ROBERT HENRI (1865-1929). ***Old Square, Philadelphia,*** 1897. Oil on canvas. 18 x 14 inches. Numbered A3 127 on reverse.

JANE PETERSON (1876-1965). ***Venice,*** January 1939. Gouache on paper. 18 x 18 inches. Signed l/l. Also dated on the reverse.

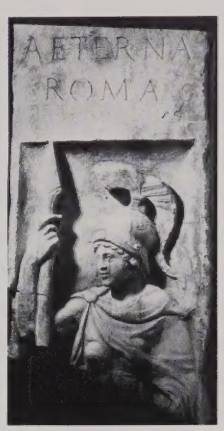
Highlights from the Stolen Art Pages of IFAR

NOTABLE RECOVERIES—TOP TEN MISSING—OTHERS STILL MISSING

IFAR-RELATED RECOVERIES

AETERNA ROMA

In October 1986, Jonathan Rosen (an IFAR supporter) recognized this relief that was listed as stolen in the April/May 1986 issue of *IFARreports* as the same one he had recently purchased from a Swiss dealer. The marble work had been stolen in Pozzuoli, Italy while being crated for shipment to an exhibition. Rosen turned the work over to IFAR, which presented it to U. S. Customs at a press conference at the Italian consulate in New York. The museum director in Pozzuoli told the Consul General that the relief had decorated a house at a strategic intersection of the ancient port city of Pozzuoli. Art historians have commented that this piece is unusual because its creator was influenced by both Greek and late Republic art.



***Fragment of a Relief,* Roman,** 2nd c. A.D. Marble. 85 x 42 x 15 cm (approx. 33 ⅜" x 16 ½" x 6"). Inscribed: **AETERNA ROMA.** *85.670.

BAKWIN THEFT

These three paintings were among seven works stolen from the home of Michael Bakwin in Lenox, MA in 1978 and then registered in IFAR's recently launched Stolen Art Archive (*N78.39). In October 1999, the Cézanne was recovered in Europe with the help of the ALR and sold at auction at Sotheby's London in December 1999 for £18 million (then equivalent to $26 million).

CHAIM SOUTINE (Lithuanian/French, 1893-1943). ***Portrait d'un Jeune Homme.*** Oil on canvas. 47 x 38 cm (18 ½" x 15").

CHAIM SOUTINE (Lithuanian/French, 1893-1943). ***Fillette en Robe Rouge,*** 1927. Oil on canvas. 60.96 x 31.75 cm (24" x 12 ½").

PAUL CÉZANNE (French, 1839-1906). ***Nature morte: Bouilloire et Fruits,*** ca.1890-94. Oil on canvas. 50.16 x 61 cm (19 ¾" x 24").

The purchaser was later revealed to be S.I. Newhouse. Four of the other works, including the Soutine paintings shown here, were recovered in 2005 after they were put up for sale at Sotheby's London. It turned out that they had all been in the possession of Robert Mardirosian, a retired Massachusetts lawyer, who had represented the suspected thief in a separate matter. The thief had left the works with him temporarily but was killed a few months later.

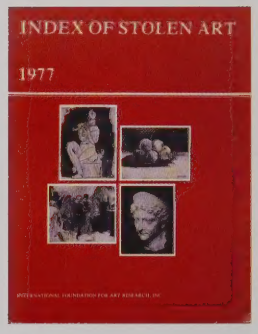
FELDMANN COLLECTION DRAWING

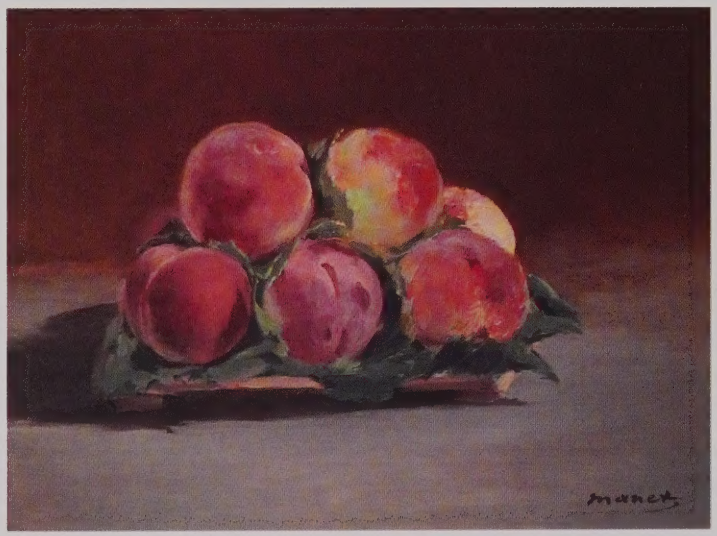
Otto Benesch, an authority on Rembrandt drawings, first attributed this drawing to Rembrandt and was also the first person to document it as being in the collection of Dr. Arthur Feldmann, a Czech collector whose art collection was seized by the Nazis in 1939. The work appeared in a Sotheby's London sale in 1946, although Feldmann was not listed in the provenance. The drawing was purchased by the dealer Stenman and next appeared at the Houthakker gallery in Amsterdam in the early 1970s, where the Dutch father of an American professor purchased it in good faith. The professor brought the work to the U.S. in 2000 after her father's death. In 2002, the professor approached IFAR regarding provenance research, specifically, to determine whether the drawing was the one published in Benesch and if it had been looted by the Nazis. If so, she wanted us to find the heirs and restitute it. In the course of its research, IFAR determined that the drawing was one of the confiscated works, located a Feldmann heir (an *IFAR Journal* subscriber), and worked with the Commission for Looted Art in Europe, which represented the Feldmann family, to facilitate its restitution in 2004. The family donated it to the British Museum in 2006. The drawing has been reattributed to Rembrandt's pupil Govaert Flinck. In the last few years, the Feldmann heirs have recovered several other drawings from the enormous collection.

GOVAERT FLINCK (Dutch, 1615-1660). (Prev. attrib. to Rembrandt). ***The Liberation of St. Peter.*** Pen and bistre on paper. 14.2 x 12.6 cm (5 9/16″ x 5″).

MANET *PEACHES*

This painting was stolen from a private residence in New York in 1977 along with a Matisse drawing, *Head of Theanor,* 1945, which was recovered in Parsippany, NJ in 1980. *Peaches* was featured on the cover of IFAR's first stolen art publication, the *Index of Stolen Art,* 1977. It was recovered with the help of the ALR in 1997 after a Florida art dealer who was offered the painting for sale requested a search of the database. Suspecting a match with the database, the dealer tried to rescind his search, but the FBI seized the painting. The FBI released the work in May 2000, and, as an insurance settlement had already been paid, the theft victim's daughter and residual heir acquired it from the insurance company.



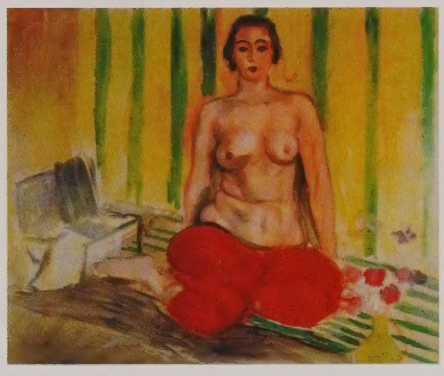


ÉDOUARD MANET (French, 1832-1883). ***Peaches,*** 1880. Oil on canvas. 28.9 x 40 cm (11 3/8″ x 15 3/4″). Signed l/r. *N77.329.1.

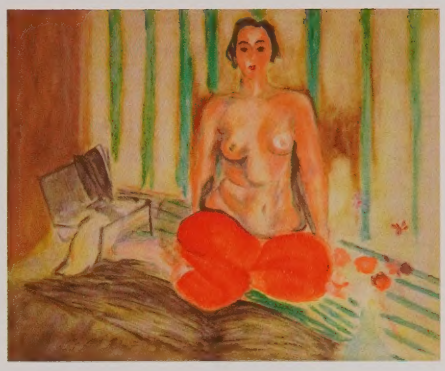
MATISSE *PANTALOONS*—THEFT AND SWITCH

This Matisse Odalisque was stolen from the Museum of Contemporary Art in Caracas between 1997 and 2000 and replaced with a forgery that was left in the original frame. The theft was discovered in late 2002 only after the authentic painting began circulating on the market, in New York and Miami, aided by fake documents purportedly signed by two former museum employees "authorizing" the sale from the museum. Soon after the theft was made public, IFAR was visited by the museum's director, who provided materials to our executive director. We later published a detailed cover story in the *IFAR Journal*. The painting went underground and was recovered in Miami by the FBI in a sting operation on July 17, 2012. One of the two people arrested confirmed that the work had been in her possession in Mexico for years and that it was stolen by museum employees. After the work was in the possession of the authorities in Miami, IFAR undertook provenance research for the government to verify that the painting had not been looted during WWII.

REAL



FAKE



Left: **HENRI MATISSE** (French, 1869-1954). ***Odalisque in Red Pantaloons,*** 1925. Oil on canvas. 60.5 x 73.5 cm (approx. 23 ¾" x 29"). Signed l/l. *N03.50. Right: Fake.

SAN FRANCISCO'S STOLEN "RABBI"

On Christmas Eve 1978, thieves broke through the skylight of the de Young Museum in San Francisco and stole four paintings, including this portrait. The "Rabbi" was featured on the cover of IFAR publications three times between 1979 and 1982. In November 1999, three of the paintings resurfaced in New York after a man disguised in a wig left them in a crate at William Doyle Galleries during Doyle's "Walk-in Tuesdays," a public event where works could be brought in free of charge for evaluation. The crate contained the three paintings and a note indicating that they had been stolen from the de Young Museum. Doyle contacted the police, who later contacted the museum and the FBI. That same week, a mysterious caller, worried that the lack of publicity about the paintings in the news indicated that Doyle might not have done the right thing, contacted IFAR and left a message for the Executive Director that he had left the stolen paintings at Doyle. When the press later covered the story, the caller called us again saying he was relieved. He also told us that he had acquired the works from the thieves. The three paintings, all damaged, were returned to the museum in February 2000. The Rabbi had a milky rectangle over the figure. IFAR put the painting on the cover of the *IFAR Journal* (Vol. 3, no. 1). The fourth painting, a small Van de Velde *Harbor Scene,* remains missing.

REMBRANDT (follower of), 17th Century. ***Portrait of a Man with a Red Cap and Gold Chain*** (Traditionally called Portrait of a Rabbi). Oil on canvas. 78.7 x 64.8 cm (31" x 25 ½"). Signed and dated "Rembrandt f. 1657, but later downgraded to "follower of." *N78.213.

MIDDLE AMERICAN RESEARCH INSTITUTE BOWLS

In August 1980, the Middle American Research Institute at Tulane University reported the theft of this white onyx bowl and two others to IFAR—three of the finest known examples of Mesoamerican art. They had been stolen between July 31 and August 11, 1980. Because the thieves bypassed other pieces in the collection, the museum believed these had been stolen on request for a private collector. In addition to publishing the bowls in its Stolen Art Alert, IFAR circulated theft notices to dealers, museums, and scholars with an interest in antiquities and pre-Columbian art. In December 1980, two men offered to sell the bowls to a Los Angeles gallery owner, who recognized them from the IFAR flyer and called IFAR. The FBI recovered the bowls the next day.

Ulua Valley Near Travesia (Honduras, Central America, 750-1000 A.D.). Bowl with two handles. White or off-white marble onyx. H. 12 cm (approx. 4 ¾″). Diam. 19. 5 cm (approx. 7 ¾″). *80.237.

RUBENS *AURORA*

This small Rubens oil sketch was stolen in 1985 from the Museo de Bellas Artes in La Coruña, Spain, along with a companion Rubens sketch, *Daedalus and the Minotaur.* Both were registered with IFAR. *Daedalus* turned up a few months later in Stockholm. The thief got off, but *Daedalus* was later returned to the museum in 1988. Three years later, in a sting operation on May 6, 1991, Miami Customs recovered *Aurora.* Both the FBI and Customs had checked with IFAR to find out if it had been listed with us as stolen. It had been, but under the English title *Dawn.* As part of the sting, Charles Scribner III, a Rubens scholar, posed as the expert who confirmed that the picture offered to the "buyer" for $3.5 million was authentic and the same one that was stolen. Scholars disagree as to whether the woman represents Aurora or Psyche.

PETER PAUL RUBENS (Flemish, 1577-1639). ***Aurora,*** ca. 1635. Oil on panel. 26.0 x 17.0 cm (approx. 10 ¼″ x 6 ¾″). *86.322.

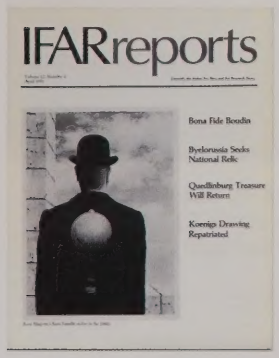
STODDARD COLLECTION PISSARRO

Donated to the Worcester Museum in Massachusetts in 1999, this painting was formerly in the collection of Robert and Helen Stoddard, who acquired it in 1951. In June 1978, nine works were stolen from the Stoddards' Worcester home, including this Pissarro, which remained missing for 20 years. In 1998 two Ohio businessmen who had recently purchased the painting consigned it to Wolf's Auction Gallery in Cleveland. While there, it was recognized by a Pissarro scholar, who contacted IFAR and also the director of the Worcester Museum, to which the work was later bequeathed. IFAR was visited by the museum director, James Welu, who, along with IFAR's executive director, telephoned the FBI, which seized the painting from the auction house. A second painting stolen in the Stoddard theft, Childe Hassam's *Sammie's Beach, East Hampton,* was recovered later.

CAMILLE PISSARRO (French, 1831–1903). ***Bassins Duquesne et Berrigny à Dieppe, Temps Gris,*** 1902. Oil on canvas. 63.5 x 53.29 cm (25″ x 21″). *N78.367. Worcester Art Museum, Massachusetts. Object No. 1999.67.

PICASSO AND MAGRITTE—SWITCHEROO

These two paintings were stolen from the New York home of Emily McFadden Staempfli sometime in the 1980s. After her death in 1991, her heirs discovered that both paintings apparently had been replaced by copies. Their insurance company asked IFAR's Authentication Research Service to examine the works. IFAR also published the thefts in the April 1991 *IFARreports* and put the Magritte on the cover. Soon after, IFAR received information that the Picasso was being offered by a Chicago owner through a New York dealer. The Chicago owner had received the Picasso in lieu of payment for jewelry. IFAR contacted the dealer and arranged for all parties to meet. On May 30, the day before the scheduled meeting, a Los Angeles art dealer brought the Picasso to Sotheby's and showed it to an expert, who recognized the painting as one stolen from the Staempfli home. The expert had seen the work in *IFARreports* and, coincidentally, had also seen first-hand the fake Picasso and Magritte when he appraised the paintings for the estate. Sotheby's then contacted IFAR, and IFAR called the police. Media coverage of the Picasso recovery apparently encouraged the possessor of the Magritte to turn it in to the Brookyn District Attorney the very next day.



RENÉ FRANÇOIS GHISLAIN MAGRITTE (Belgian, 1898-1967). ***Sans Famille,*** 1954. Oil on canvas. 74.9 x 55.2 cm (approx. 29 ½″ x 21 ¾″). Signed u/l. *91.166.

Left: **PABLO PICASSO** (Spanish, 1898-1967). ***Head of a Woman with Golden Earrings,*** 1943. Oil on paper. 50.0 x 32.5 cm (approx. 19 ¾″ x 12 ¾″). Signed u/r. Right: Copy. Oil on canvas.

OTHER RECOVERIES FROM THE PAGES OF IFAR

ART INSTITUTE OF CHICAGO

On December 27, 1978, the Art Institute of Chicago discovered the theft of three paintings by Paul Cézanne: *Madame Cézanne in a Yellow Armchair, Apples on a Tablecloth,* c. 1886-90, and *House on the River,* c. 1885-90. The works, then valued at almost $3,000,000, had been removed from their frames in a locked storage area during a renovation. After a former employee of the museum, a packing and shipping clerk, sought to collect a $250,000 ransom for the paintings, they were recovered in a sting operation in Chicago on May 23, 1979.

PAUL CÉZANNE (French, 1839-1906). ***Madame Cézanne in a Yellow Chair,*** 1893. Oil on canvas. 80.9 × 64.9 cm (31 13/16" × 25 9/16"). AIC. No. 1948.54. Wilson L. Mead Fund. *N78.214.

BEIT COLLECTION—A MAGNET FOR THIEVES

Russborough House, a magnet for thieves, was owned by Sir Alfred Beit (d. 1994), in County Wicklow, Ireland. From 1974 to 2002, the Beit Collection suffered four major thefts. On April 27, 1974, an IRA gang, including Rose Dugdale, stole 19 paintings, including Vermeer's *Lady Writing a Letter.* The motive was political ransom – paintings would be exchanged for the release of imprisoned IRA members. All the works were recovered 11 days later, however, and the thieves were prosecuted. On May 21, 1986, a gang led by Dublin crime boss Martin Cahill stole 18 paintings, including the same Vermeer stolen in 1974. Seven works were abandoned on the road and were recovered immediately. Other works turned up, some in Antwerp in 1993 and others as recently as August 2002, in locations as distant as Turkey. Two Guardi paintings remain missing (see Still Missing section). On June 26, 2001, thieves rammed through the front door of Russborough House in broad daylight and stole two paintings from the music room: Gainsborough's *Portrait of Madame Bacelli Dancing* and Bellotto's *View of Florence.* (*L01.542). Both works were recovered on September 26, 2002 in a house in Dublin. Only three days later, on September 29, 2002, thieves drove an SUV through a Russborough House window and stole five paintings, including two stolen in 1986. All five works were recovered in a December 20 police raid on a house in Dublin, and two people were arrested. The Beit Foundation took over most of the property and opened it to the public as a museum in 1976. After Sir Alfred's death in 1994, his widow remained until her death in 2005.

JOHANNES VERMEER (Dutch, 1632-1675). ***Lady Writing a Letter with Her Maid,*** c. 1670-71. Oil on canvas. 72.2 x 59.5 cm (approx. 28 3/8" x 23 3/8"). Stolen in 1974 and again in 1986. *86.200. Recovered.

EGYPTIAN MUSEUM

On March 15, 2011, Egypt's Supreme Council on Antiquities posted a list of 54 objects missing from the Egyptian Museum in Cairo as a result of the Arab Spring uprising in January 2011. Four of the items, including this one, which graced the cover of *IFAR Journal,* Vol. 12, no. 3 and was badly damaged, were located and returned to the museum on April 12, 2011. As of early 2014, most of the looted objects had been recovered, and 44 of them had been returned to the museum. In January 2016, the museum held a temporary exhibition of 226 antiquities that had been recovered from abroad in the years 2014 and 2015.

Unknown Artist (Egyptian). ***Tutankhamun, The Harpooner.*** Wood statue, coated with gesso and gilded. Boat: Papyrus stems. Figure height: 69.5 cm (approx. 27 ¼″). On January 28, 2011, this figure was broken by looters, who took all but the boat, the feet and right arm, the harpoon, and the loop held in the left hand. The damaged object is shown here.

BÜHRLE COLLECTION

Four Impressionist and Post-Impressionist works were stolen from the Bührle Collection in Zurich, Switzerland on February 10, 2008. Two of the paintings– a Monet and a Van Gogh – were recovered soon after the theft. After a multi-national search, the Cézanne painting was recovered, damaged, on April 12, 2012 in Belgrade, Serbia. The Degas painting, also found damaged in Serbia, was recovered some time before. As of October 2021, the Bührle Collection entered the Kunsthaus Zurich on long-term loan for 20 years.

PAUL CÉZANNE (French, 1839-1906). ***Boy in the Red Vest,*** c. 1888-90. Oil on canvas. 80.6 x 64.5 cm.

EDGAR DEGAS (French, 1834-1917). ***Ludovic Lepic and His Daughters,*** c. 1871. Oil on canvas. 65.6 x 81 cm (approx. 25 ¾″ x 31 ⅞″).

MUSÉE MARMOTTAN MONET

This painting, one of the most famous in art history and credited with giving the Impressionist movement its name, was the most important of nine paintings stolen from the Musée Marmottan in Paris on October 27, 1985. The daring theft took place during museum hours as five thieves held museum guards and forty visitors at gunpoint. In December 1990, after five years of investigative work, French police recovered all nine paintings from an empty apartment in Corsica's Porte Vecchio.

CLAUDE MONET (French, 1840-1926). ***Impression, Sunrise.*** Oil on canvas. 48 x 63 cm. Signed and dated 1872 l/l. *85.585.

THE CELLINI SALTCELLAR

Stolen on May 11, 2003 from the Kunsthistorisches Museum, Vienna by a Viennese specialist in the installation of alarm systems, who self-reportedly on a whim, climbed scaffolding to a second-story window, smashed the window, and made his way to the non-burglar-proof display case that held the jeweled object by the renowned Renaissance goldsmith Benvenuto Cellini. The thief later attempted to blackmail the insurer by demanding a ransom of 10 million euros and sending a removable part of the saliera, Neptune's trident, as proof that he had the work. Austrian police recovered the saliera on January 21, 2006 after they successfully traced the thief and published his photo, compelling him to turn himself in.

BENVENUTO CELLINI (Italian, 1500-71). ***Saltcellar (Saliera),*** c. 1540-44. Gold, enamel, and ebony. 26 x 33.5 cm (approx. 10 ¼″ x 13 ⅛″).

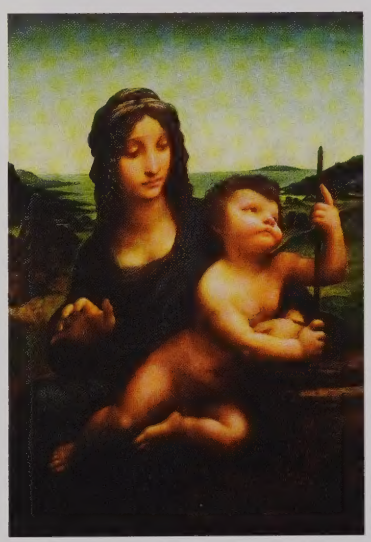
LONGLEAT HOUSE

One of three paintings stolen from Longleat House in Wiltshire England, home of the Marquess of Bath, on the night of January 6, 1995. Thieves removed the Titian from its frame, which had been linked to an alarm system, in the Drawing Room and fled with this work and a portrait of *Eleanor of Austria* from the circle of Joos van Cleve and the *Personification of Justice* by Veronese before guards could respond to the alarm two minutes later. The Titian was valued at £5 million, and the insurance company offered a reward of up to £100,000 for information leading to the recovery of the three paintings. Two years after the theft, it was reported that Longleat received a ransom demand for the Titian. Through the work of a private investigator, Charles Hill, the Titian was recovered in a plastic shopping bag in the Greater London area in August 2002.

TITIAN (Tiziano Vecellio) (Italian [Venice], 1490-1576). ***Rest on the Flight into Egypt,*** c. 1510. Oil on canvas. 45.72 x 60.96 cm (18″ x 24″). *L95.80.1.

DRUMLANRIG CASTLE, THORNHILL, SCOTLAND

This painting was stolen from Drumlanrig Castle, Thornhill, Scotland on August 27, 2003 after a team of four thieves posing as tourists overpowered the tour guide and made off with the work, which belonged to the Duke of Buccleuch, Scotland's largest landowner. Scottish police recovered the painting in Glasgow on October 4, 2007, one month after the duke's death, during a raid of a Glasgow attorney's office. The attorney and several accomplices were arrested and charged with conspiracy to rob and extort for money. The attribution to Leonardo is not universally accepted.



LEONARDO DA VINCI or workshop (Italian, 1452-1519). ***Madonna of the Yarnwinder,*** c. 1501. Oil on panel. 48.9 x 36.8 cm (19 ¼″ x 14 ½″).

NATIONAL MUSEUM STOCKHOLM

These paintings were stolen in an armed robbery from the waterfront National Museum in Stockholm, Sweden in December 23, 2000. The getaway car was a boat. *Conversation* was recovered in Stockholm in 2001 as part of a police investigation of a drug case, when a police officer posing as an art expert offered to buy back the painting for the museum. In spring 2005, *Young Parisian* was recovered by the FBI in Los Angeles as part of a drug investigation. That recovery led to the third painting, then located in Sweden, Rembrandt's *Self-Portrait,* 1630. It was later recovered by the Danish police, with FBI cooperation, during a sting operation in a hotel in Copenhagen, Denmark in September 2005. Eight men were sentenced to prison. Five of them were sentenced to pay SEK 320 million to the National Museum for damages to the Rembrandt and one of the Renoirs.

REMBRANDT HARMENSZ VAN RIJN (Attributed to.) (Dutch, 1606-1669). ***Self-Portrait,*** 1630. Oil on copper. 15.5 x 12 cm (approx. 6″ x 4 ¾″).

PIERRE-AUGUSTE RENOIR (French, 1841-1919). ***Conversation,*** 1879. Oil on canvas.

PIERRE-AUGUST RENOIR (French, 1841-1919). ***Young Parisian,*** c. 1875. Oil on canvas.

VAN GOGH MUSEUM *POTATO EATERS*

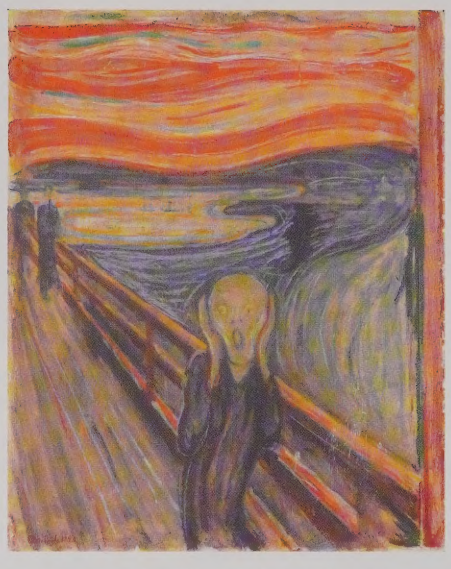
Early on the morning of April 14, 1991, thieves stole twenty paintings by Vincent van Gogh from the eponymous museum in Amsterdam. Included was the final version of *The Potato Eaters,* the artist's most important painting from his early Nuenen period. One of his late paintings, *Wheatfield with Crows,* 1890, was also stolen. Within the hour, police found the paintings, some badly damaged, after the getaway car got a flat tire as the thieves were transferring the works to a van.

VINCENT VAN GOGH (Dutch, 1853-1890). ***The Potato Eaters,*** 1885. Oil on canvas. 82.6 x 11.5.cm (approx. 32 ½″ x 45 ½″).

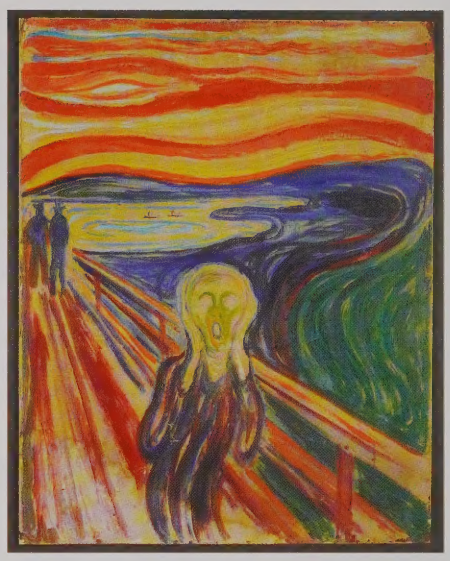
THE OSLO MUNCH THEFTS—1994 AND 2004

NATIONAL GALLERY

The *Scream* was stolen from the National Gallery in Oslo on February 12, 1994 during the winter Olympics in Lillehammer when two thieves climbed a ladder up a wall, broke a window, and cut the painting from the wire which fastened it to a wall. They left a note: "Thanks for the poor security." Shortly after the theft, an anti-abortion activist suggested that the painting might be recovered if Norway's state-owned t.v. station, N.R.K., would broadcast the anti-abortion film "The Silent Scream," but N.R.K. refused. In early March, a lawyer with a history of representing anti-abortion activists claimed to represent a client who could produce the painting and relayed a random demand of $1.1 million. The museum refused and instead offered a reward of $26,000 for the return of the painting. The work was recovered three months later, on May 7, 1994, by Norwegian police and New Scotland Yard detectives in a sting operation at a seaside resort 55 miles south of Oslo.



EDVARD MUNCH (Norwegian, 1863-1944). ***The Scream,*** 1893. Tempera and pastel on board. 91.0 x 73.5 cm. Signed l/l: E. Munch 1893. *L94.243.1. Stolen in 1994 from the National Gallery, Oslo.



EDVARD MUNCH. *The Scream,* 1893. Tempera on cardboard. 83.5 x 66 cm (approx. 32 ¾" x 26").*L04.1252. Stolen in 2004 from the Munch Museum.

MUNCH MUSEUM

In a daring theft on August 22, 2004, another version of Munch's *The Scream* was stolen from a different museum in Oslo, Norway along with Munch's *Madonna* in daylight at gunpoint. Three men were convicted in connection with that theft in May 2006, and police recovered both works, slightly damaged, in August 2006.

EDVARD MUNCH. *Madonna,* 1894-95. Oil on canvas. 90 x 68.5 cm (approx. 35 ⅜" x 27"). Stolen in 2004 from the Munch Museum.

TOP TEN MISSING

GHENT ALTARPIECE

Missing since April 10, 1934 from the Cathedral of St. Bavo, Ghent, Belgium, the *Just Judges* panel forms part of the Ghent altarpiece known as the Adoration of the Mystical Lamb. The original panel was replaced by a copy made in 1945 by Jef Vanderyken. It is one of twelve panels on this masterpiece of early Flemish painting, which has been stolen, all or in part, six times over the centuries. All the original panels are now back in place, except for this one, which is a copy.

JAN VAN EYCK (Flemish, c. 1390-1441). ***The Just Judges,*** 1427-1430. Oil on panel. 145 x 51 cm (57″ x 20″). *L09.318.

CZARTORYSKI RAPHAEL

This Raphael portrait, perhaps the most valuable and important artwork still missing from WWII, belonged to the aristocratic Polish Czartoryski collection. It was presumably taken to Germany by Hans Frank, Nazi Governor General of the South Central Region of Poland, toward the end of the war in March 1945. When American forces arrested Frank, however, nine other masterpieces were recovered, but this portrait was not among them.

RAPHAEL (Italian, 1483-1520). ***Portrait of a Young Man,*** c. 1513-1514. Oil on panel. 72 x 56 cm (28″ x 22″). *W00.48. Formerly in the collection of the Czartoryski Museum near Kraków, Poland.

ASHMOLEAN MUSEUM CÉZANNE

This Cézanne landscape, valued at £3 million at the time of theft, was stolen from the Ashmolean Museum in Oxford, England on December 31, 1999, New Year's Eve. As revellers partied in the surrounding streets, thieves gained access via the adjoining Oxford University Library and broke through the main gallery's glass roof. The work has not been seen since.

PAUL CÉZANNE (French, 1839-1906). ***Auvers-sur-Oise (The Fence),*** 1879-1880. Oil on canvas. 46 x 55 cm (approx. 18″ x 21 ½″). *L00.10.

CARAVAGGIO *NATIVITY*

The fate of this altarpiece, stolen in October 1969 from the Oratory of San Lorenzo in Palermo, Sicily, has been in question ever since a Mafia turncoat witness, Marino Mannoia, at the 1996 trial of Italy's former Prime Minister, Giulio Andreotti, reported that it had been destroyed at the hands of Mafiosi. Art experts, however, doubted his story. Alternate reports listed the work as destroyed in an earthquake in November 1980, an account described by Peter Watson in his book *The Caravaggio Conspiracy.* A replica of the painting was hung in the altar in 2015.

MICHELANGELO MERISI DA CARAVAGGIO (Italian, 1573-1610). ***Nativity with Saints Francis and Lawrence,*** 1609.

THE LOUVRE COROT

This small Corot landscape, listed as part of the French national heritage and belonging to the the Louvre since 1902, was stolen on Sunday, May 3, 1998. Although more than 20,000 people were in the museum at the time, the thief cut the work from its frame and escaped undetected.

JEAN BAPTISTE CAMILLE COROT (French, 1796-1875). ***Le Chemin de Sèvres.*** c. 1855 Oil on canvas. 34 x 49 cm. Signed l/r. The Inventory number "RF 1352" is stenciled on the back of the canvas.

MONTREAL MUSEUM OF FINE ARTS REMBRANDT

Although now generally considered "attributed to," rather than "by" Rembrandt, this landscape is the most important of 18 paintings (and 39 other objects) stolen on September 4, 1972 in a still unsolved theft, when three armed and masked burglars broke into the museum after midnight through a skylight that was being repaired, slid down a rope, and then bound, gagged, and threatened the guards. Among the other artworks stolen were a Corot and a Courbet. It could have been worse; the thieves left behind a stack of paintings that they apparently couldn't carry after an alarm was triggered. Despite worldwide publicity, the theft has never been solved. The museum was insured and their claim of close to $2 million was paid. One painting, a landscape attributed to the School of Jan Brueghel the Elder, was later recovered when the thieves contacted the museum in an aborted attempt to get the ransom money and needed to show proof that they had the paintings. All the other works are still missing.

REMBRANDT (HARMENSZ) VAN RIJN (Dutch, 1606-69). Attributed to. ***Landscape with Cottages,*** 1654. Oil on panel. 25.5 x 39.5 cm.

IRAQ MUSEUM — IVORY PLAQUE

This object, *The Lion of Nimrud*, one of the Iraq Museum's most prized possessions, has been called an icon of Phoenician art. It was one of approximately 14,000 objects reported stolen/looted by citizens and soldiers from the Iraq Museum in Baghdad during Operation Iraqi Freedom in April 2003. Many of the most important works were recovered, but not this ancient plaque. At the time of the looting, IFAR participated in an emergency Interpol conference in Lyons, France and later devoted a special issue of the *IFAR Journal* to the looting.

Unknown Artist (found at Nimrud, c.720 BC).
Plaque. Chryselephantine (gold and ivory), depicting a lioness killing a Nubian. IM #56642. *L03.646.

MUSÉE D'ART MODERNE

These two paintings were among five stolen – and never found – from the Musée d'Art Moderne in Paris on May 20, 2010 after an early morning break-in. A lone thief smashed a window pane, broke a padlock, entered several rooms, removed five paintings from their frames, eluded the guards, and escaped. An art thief nicknamed Spiderman was later arrested along with two accomplices.

FERNAND LÉGER (French, 1881-1955).
Still Life with Candlestick, 1922. Oil on canvas. 16 x 80 cm (approx. 45 ⅝″ x 31 7/16″). *L10.108815.

PABLO PICASSO (Spanish, 1881-1973).
Pigeon with Peas, 1911. Oil on canvas. 64.01 x 53.01 cm (approx. 25 ¼″ x 20 ¾″).

VINCENT VAN GOGH (Dutch 1853-1890).
Poppy Flowers (Vase with Viscaria), 1886. Oil on canvas. 65 x 54 cm. *L10.108951.

TWICE-STOLEN VAN GOGH

This small Van Gogh still life from his early period in Paris was stolen twice from the Mahmoud Khalil Museum in Cairo, Egypt; first on June 5, 1978. Two years later, it was recovered in Kuwait and two Egyptian nationals were arrested. On August 20, 2010, the painting was stolen again. It was falsely reported as recovered in January 2019, but unfortunately, is still missing.

ISABELLA STEWART GARDNER MUSEUM THEFT
THE THEFT OF ALL THEFTS

On the night following St. Patrick's Day, March 18, 1990, two men dressed as policemen entered through a back door of the Gardner Museum in Boston, bound the two night guards, disabled the security system, removed the video surveillance film, and stole eleven paintings and drawings, one Chinese bronze beaker and a Napoleonic finial. This is the most significant and valuable American theft to date. The current estimated value of the works is more than $500 million. In January 2018, the museum extended a $10 million reward for information leading to the recovery of the works, which were not insured. So far, no leads have panned out. The works appear below. *N90.220. IFAR has devoted two public programs to this theft—on the 10th and 20th anniversaries—and several articles.

Shang Dynasty. ***Chinese Bronze Beaker or Ku,*** 12th century BC. Ht: 26.7 cm. Diam. 15.5 cm. Wt: 2 lbs. 7 oz.

HILAIRE GERMAIN EDGAR DEGAS (French, 1834-1917). ***La Sortie du Pesage,*** 1857-60. Pencil and watercolor on paper. 10.0 x 16.0 cm. Originally exhibited in a frame with *Cortège aux Environs de Florence.*

DEGAS. (French, 1834-1917). ***Cortège aux Environs de Florence,*** 1857-60. Pencil and wash on paper. 16.0 x 21.0 cm. Originally exhibited in a frame with *La Sortie du Pesage.*

DEGAS. ***Program for an Artistic Soirée,*** 1884. Charcoal on white paper. 24.1 x 30.9 cm. Originally exhibited with a less finished version (below) in the same frame.

DEGAS. ***Three Mounted Jockeys,*** 1885-88. Black ink, wash, and oil pigments on medium brown paper.

DEGAS. ***Program for an Artistic Soirée,*** 1884. Charcoal on buff paper. 23.4 x 30.0 cm. Originally exhibited with a finished version (above) in the same frame.

Finial. (French, 1813-14). Gilt metal (bronze). Approx. ht.: 10″.

REMBRANDT. ***A Lady and Gentleman in Black,*** 1663. Oil on canvas. 131.6 x 190.0 cm. Inscribed at the foot: Rembrandt. Ft: 1633. Cut from the stretcher.

REMBRANDT (Dutch, 1606-1669). ***The Storm on the Sea of Galilee,*** 1633. Oil on canvas. 161.7 x 129.8 cm. Inscribed on the rudder: Rembrant [sic] f::/1633. Cut from the stretcher.

ÉDOUARD MANET (French, 1832-1883). ***Chez Tortoni,*** c. 1875. Oil on canvas. 26.0 x 34.0 cm.

GOVAERT FLINCK (Dutch, 1615/16-1660). ***Landscape with an Obelisk,*** 1638. Oil on oak panel. 54.5 x 71.0 cm. Inscribed faintly in l/r: R. 16.8. Formerly attributed to Rembrandt.

JOHANNES VERMEER (Dutch, 1632-1675). ***The Concert,*** 1663-66. Oil on canvas. 72.5 x 64.7 cm.

OTHERS STILL MISSING

ABBOTT LABORATORIES

Beginning in the 1940s, Abbott Laboratories in Abbott Park, IL, began collecting works by artists who served in the U.S. military and later acquired works by more famous American and European artists. In 2016, an insurer expressed doubts about the authenticity of a Marsden Hartley painting in its collection, *Roses from Hispania*. Forensic testing confirmed that the work was a fake. Abbott Labs claimed the original work was stolen at some point, probably when it was sent to a conservator for cleaning in 1987. The authentic work later turned up in the collection of an elderly New York collector. An ownership dispute ensued, and the Hartley was awarded to Abbott in December 2020. More works from the Abbott Labs collection were later discovered to have been stolen and replaced with copies, including a Léger painting listed in the FBI Stolen Art File, and this Milton Avery painting, *Mother and Child*.

STILL MISSING: **MILTON AVERY** (American, 1885-1965). ***Mother and Child,*** 1944. Oil on canvas. 99.06 x 81.28 cm (40″ x 32″). Signed/dated l/l. *L16.310.

FOUND: **MARSDEN HARTLEY** (American, 1877-1943). ***Maine Flowers*** or ***Roses from Hispania (Flowers),*** 1936-37. Oil on board.

KUNSTHAL ROTTERDAM THEFT

These are two of seven paintings – all still missing – stolen in the early morning hours of October 16, 2012 from the Kunsthal Rotterdam in The Netherlands when thieves entered through an emergency exit in the rear of the museum. Later, the mother of one of the Romanian suspects claimed to have burned the paintings when police got close to the place where they were hidden. Although the ashes of artworks were found in the stove, it was not clear that they were from the stolen works. Four Romanians were sentenced for crimes relating to the theft. The stolen works were part of a display in celebration of the museum's 20th anniversary. In the past two years, an art detective has said he has reason to believe that the Monet *Charing Cross Bridge* and a Picasso may not have been destroyed.

CLAUDE MONET (French, 1840-1926). ***Charing Cross Bridge, London,*** 1901. Pastel on paper. 30.99 x 48.49 cm (approx. 12 ¼″ x 19″). Signed l/r.

HENRI MATISSE (French, 1869-1954). ***Girl Reading in White and Yellow,*** 1919. Oil on canvas mounted on board. 41 x 32.99 cm (approx. 16 ¼″ x 13″). Signed. l/l. *L12.1017.

RIZIK GIAQUINTOS

On June 1, 1960, three paintings by Giaquinto were stolen from the Rizik home in Washington, D.C. One of the paintings, *Winter,* surfaced in 1988 when it was found in pieces by a house cleaning service. The owner of the service took the painting to an antiques dealer, who then took it the Philadelphia Museum of Art. A curator at the museum consulted with three Giaquinto experts, none of whom could establish a provenance for the work. The owner of the house cleaning surface then consigned the painting with a Philadelphia auction house. The work was subsequently purchased at auction in 1989 by conservator Steven Erisoty and his relatives, who spent years restoring the damaged painting.

CORRADO GIAQUINTO (Italian, 1703-1765). ***Spring,*** c. 1740/1750. Oil on canvas. 109.2 x 151.2 cm (approx. 43″ x 59 ″). *N92.275.

In 1992, after the original owner of the painting registered the stolen works with the ALR database and they were published in *IFARreports,* the curator at the Philadelphia Museum learned of the listing and contacted IFAR. The FBI subsequently seized the painting from Mr. Erisoty and returned it to the Riziks in 1993. Erisoty sued the Riziks for return of the painting, but the parties reached an out-of-court settlement. The Riziks donated *Winter* and a fourth Giaquinto painting, *Autumn,* which had not been stolen, to the National Gallery of Art, but two paintings — *Spring* and *Summer,* illustrated here — remain missing.

CORRADO GIAQUINTO. ***Summer,*** c. 1740/1750. Oil on canvas. 109.2 x 151.2 cm (approx. 43″ x 59 ½″).

COLNAGHI GALLERY

On February 8, 1988, in a crime of opportunity, a thief made off with 19 paintings and 9 drawings from Colnaghi's New York gallery, including two wood panels by Fra Angelico, a Chardin still life, and twenty-five other 15th and 16th century Dutch and Italian Old Master paintings and drawings.The perpetrator, a drug addict climbing along neighboring rooftops, made an acrobatic entrance through an unalarmed skylight and discovered a collection of artworks. He fled through a hatch in the roof, stepping on two of the paintings. In leaving, he tripped an alarm. With a total insurance value of $6-8 million, the theft was the largest ever in North America until the the Gardner Museum theft in 1990. Media coverage of the burglary alerted the thieves to the value of the stolen works. Realizing the art was too hot to sell, the thief raised a loan on some of the works and pawned them for about $50,000. He was later arrested, but not for this theft, and died in prison. After a DEA informant notified police that a drug dealer in Spain bought two Fra Angelicos, NYPD's Safe, Loft, and Truck squad recovered fourteen of the missing paintings in a warehouse two years later. The other fourteen works (5 paintings and 9 drawings) are still missing.

STILL MISSING: **PACINO DI BONAGUIDA** (Italian, c. 1303-1339). ***Saint James the Greater.*** Tempera on panel. 61.0 x 35.3 cm (approx. 24″ x 14″). *88.22.4

RECOVERED: **FRA ANGELICO** (Guido di Pietro, Fra Giovanni da Fiesole) (Italian, about 1395/1400-1455). ***Saint John the Baptist and Saint Dominic,*** late 1420s. Tempera and gold leaf on panel; 52.7 × 21 cm (20 ¾″ × 8 ¼″). 92.PB.111.2. J. Paul Getty Museum, Los Angeles, California.

THE BEIT COLLECTION GUARDIS

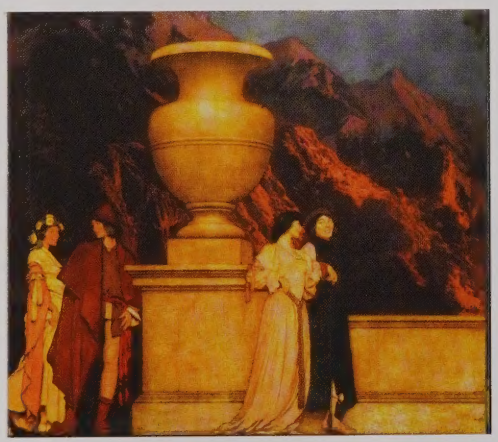
As discussed above, in the Recoveries section, Russborough House in County Wicklow, Ireland, owned by Sir Alfred Beit, suffered four major thefts from 1974 to 2002. On May 21, 1986, a gang led by Dublin crime boss Martin Cahill stole 18 paintings, including a Vermeer that had been stolen in a 1974 theft. Seven works were abandoned on the road and were recovered immediately. Other works turned up, as recently as August 2002. The two Francesco Guardi paintings at right, capriccio scenes of 18th-century Venice, each valued at approximately £230,000 are still missing. One theory is that the mystery of their location was buried with Martin Cahill when he was killed in Dublin in 1994.

FRANCESCO GUARDI (Italian, 1712-1793). ***Landscape with Ruins (Capriccio).*** Oil on canvas. 19.1 x 15.5 cm. *86.200.

FRANCESCO GUARDI ***Townscape (Capriccio).*** Oil on canvas. 19.1 x 15.5 cm.

GERTRUDE VANDERBILT WHITNEY MURALS

These two Maxfield Parrish murals were stolen on July 28, 2002, while they were on view at the Edenhurst Gallery in Los Angeles, consigned by Texas collector J. P. Bryan. They are two of six murals that were commissioned by Gertrude Vanderbilt Whitney for her Fifth Avenue, New York mansion between 1914-18. This was a daring middle-of-the-night theft on a summer weekend. All six murals (owned by Bryan) were on view in the gallery when one or more thieves cut and then climbed through a hole in the roof, cut the two large murals from their heavy oak frames, and left the gallery by the same route. The theft wasn't discovered until Monday morning when the gallery opened for business. Although the theft was publicized right away and the murals were added to the FBI's Top Ten list, they are still missing after 20 years. Bryan still owns the other four murals.



MAXFIELD PARRISH (American, 1870-1966). ***Panel 3A*** of the Gertrude Vanderbilt Whitney murals, 1914. Oil on canvas. 63 ¾" x 74".

MAXFIELD PARRISH. ***Panel 3B*** of the Gertrude Vanderbilt Whitney murals, 1914. Oil on canvas. 63 ¾" x 74".

THE COMPLEX CASE OF BRIGHAM YOUNG UNIVERSITY

In June 1988, IFAR devoted an entire issue of *IFARreports* to the unusual story of theft, unethical deaccessions and carelessness at Brigham Young University that led to the disappearance of approximately 900 artworks from their collection. The belated discovery of the problem and the need for new management to document and pursue the missing works led Brigham Young University to IFAR, which, in turn, published images and information on more than 200 of the objects, which we labeled "missing," as opposed to "stolen," as it was not always clear, especially at that time, how the works left the University. The events happened before the University had created a formal museum (1993), and the works had been scattered throughout the campus. More is known now.

In the years since – and even prior to – the IFAR publication, some of the works have been recovered, and some were not lost in the first place. In some cases, legal action was threatened or initiated; in others, law enforcement intervened. In still others, the University located their missing work but chose not to pursue a legal claim against a recalcitrant possessor, in part because the lack of documentation or passage of time made the outcome uncertain. That is the case with an 1888 J. Alden Weir painting, *Fruit,* currently in the collection of a major art museum, and a ca. 1879 Winslow Homer drawing, *Over the Garden Wall,* currently in a private collection in New York State. However, according to Arnold Lemmon, a retired police detective who has worked on this case for approximately 30 years, BYU has made clear that it will not relinquish ownership and will never give clear title to the works.

The University started collecting art early in its existence, but the collection grew dramatically in 1959, with the addition of more than 10,000 works from the Mahonri M. Young estate. Young, the grandson of Brigham Young and a painter in his own right, married Dorothy Weir, the daughter of artist J. Alden Weir, and when his wife died, Young received her entire collection, comprising her father's own art and that of other artists.

We are showing here images of a couple of the recovered works. Many of the BYU works have a university label—a telltale sign that legal ownership cannot be passed. Hundreds of works from the collection are still missing. So, caveat emptor.

The Cover of *IFARreports,* June 1988.

J. ALDEN WEIR. (American, 1852-1919). ***The Silver Chalice,*** 1882. The painting was acquired by the Baron Thyssen-Bornemisza in 1987. After the Baron died in 2002, BYU continued to negotiate for a return with his heirs. The University got the work back in 2011, with a buyback at half of the painting's appraised value.

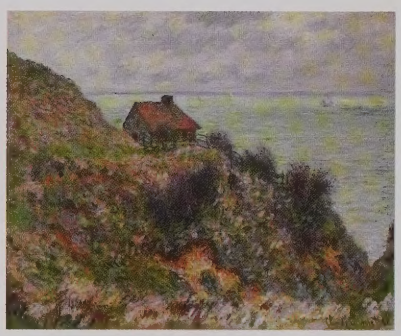
J. ALDEN WEIR. ***Artist Sketching Two Children,*** recto and verso. This painting, an oil sketch, was listed in *IFARreports* as number 516. It was consigned to a Spring 2019 auction at a Massachusetts auction house, where it was recognized by BYU. The painting was recovered by BYU in January 2022.

A Rogues' Gallery from the Pages of IFAR

Over the years, many unsavory characters have appeared on the pages of IFAR publications – con men, thieves, forgers; you name it. We decided to highlight a few members of this Rogues' Gallery—and bring them up-to-date – in this special 50th Anniversary issue of the *Journal.* We will continue to highlight other characters from this dubious circle in future issues of the *Journal.*

Steven G. Cooperman—The Eye Doctor Who Saw Crooked

In one of the more egregious cases of art insurance fraud, Steven G. Cooperman, a former Beverly Hills ophthalmologist whose medical license had been revoked in 1990, reported the theft of two paintings on July 12, 1992: Claude Monet's *The Customs Officer's Cabin at Pourville* and Pablo Picasso's *Nude Before a Mirror.* They were taken from his home in the Brentwood section of Los Angeles while he was on the East Coast. (See *IFARreports,* Sept. 1992 and June 1997; and *IFAR Journal*, Vol. 2., no. 1, 1998/99.) LAPD investigators found no signs of a break-in, and they suspected that the thief had keys. Although the paintings were then worth around $2.5 million, they were insured for $12.5 million, based on a receipt Cooperman had gotten from the Los Angeles County Museum of Art when he loaned the works for an exhibition with inflated values on the loan form. Cooperman filed a claim with two insurance companies for the $12.5 million. The insurers suspected fraud and delayed payment. Cooperman sued. In 1993, he received $17.5 million in a settlement. With that, Cooperman purchased a house in Fairfield, CT and made investments.



Claude Monet, *The Customs Officer's Cabin at Pourville,* 1882. Oil on canvas. 60.0 x 81.0 cm.

Pablo Picasso. *Nude Before a Mirror* (Marie-Thérèse Walter), 1932. Oil on canvas. 26.4 x 34.3 cm. One of two paintings that Steven Cooperman arranged to have stolen in his insurance fraud scheme. © 2021 Estate of Pablo Picasso/ Artists Rights Society, NY.

In February 1997, the paintings were found unharmed in a Cleveland suburb in an air-conditioned storage locker traced to James Little, a Cleveland lawyer and former law partner of Cooperman's attorney, James Tierney. Little's girlfriend (and former wife), hoping to claim a $250,000 reward and angry at Little, had tipped off authorities. (Beware the aggrieved partner.)

"... secretly taped conversations ..., which included discussions of how to dispose of the paintings, helped convict him."

In November 1998, after a six-year investigation by the FBI and the IRS' Criminal Investigation Division, a Los Angeles Federal Grand Jury indicted Cooperman on sixteen counts of fraud and conspiracy relating to the theft and insurance of the two paintings. On January 27, 1999, Tierney was charged with one count of aiding and abetting wire fraud. He was accused of using a key and alarm code provided by Cooperman to enter his home and remove the two paintings. Tierney pleaded guilty as charged and cooperated with authorities. He received an eight-month prison sentence and was released in March 2002. James Little was granted immunity and testified against Cooperman.

In July 1999, a Los Angeles jury found Cooperman guilty on all the counts, and also of tax evasion for failing to pay taxes on $5 million of the settlement proceeds. Although Cooperman did not testify at the trial, secretly taped conversations between Tierney and Cooperman, which included discussions of how to dispose of the paintings, helped convict him. In July 2001, Cooperman was sentenced to 37 months in prison (he served 21), reduced from eight years because he had made a deal with prosecutors by telling them about $6.1 million in secret kickbacks he had received for serving as a lead plaintiff in securities lawsuits filed by Milberg Weiss, a New York investor class-action law firm.

Cooperman was ordered by the court to pay the insurance companies $3.5 million in restitution, $1.05 million of which was to be made within 15 days of his sentencing. He also owed $3 million to the IRS. Cooperman's wife agreed to provide him cash in exchange for some of his assets, including the Fairfield, CT property, art, antiques, furnishings, and various investments.

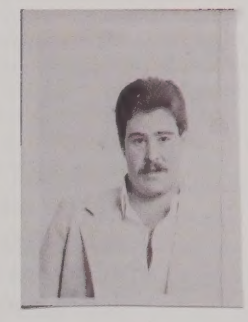
The insurance companies filed a civil suit in California against Cooperman in July 2000, seeking to recover damages from the fraud. In February 2002, the California court awarded them $22 million in damages, although they did not actively seek to collect on the judgment, after which they sued Cooperman and his wife separately in Connecticut, alleging fraudulent conveyance of assets, statutory theft, and unjust enrichment, among other allegations. The trial court ruled in favor of the Coopermans, determining, among other things, that because Cooperman had other assets, the transfer of assets to his wife was not a deliberate attempt to "render him unable to meet his obligations." Moreover, the court said, the suit was time-barred. The Connecticut Supreme Court upheld the decision.

In the related case against Milberg Weiss, the firm and two former partners were later indicted in 2006 and accused of paying clients to sue companies for securities fraud. Cooperman was indicted for conspiracy in 2007. He admitted to having served as lead plaintiff in dozens of fake suits and being paid $6.5 million in kickbacks. Following his guilty plea, he was sentenced to four months in prison, two years of supervised release and fined $40,000. After surrendering on March 9, 2009, Cooperman evidently was only incarcerated for two months, as prison records show that he was released on May 1, 2009.

In a postscript to the story, the Coopermans divorced and he remarried; James Tierney, the attorney who actually stole the paintings and testified against Cooperman, went to live in Ireland; no reward was awarded to Little's girlfriend; the Monet and Picasso were sold in 2001 and 2002 for $1.8 million and $2.5 million respectively; Milberg Weiss went out of business; and Cooperman died in 2012, aged 79.

Charles L. Heller—The Bad Penny that Kept Resurfacing

Charles Heller is one of the names that reappear like bad pennies over the years. Starting in the early 1980s, IFAR reported on Heller time and time again—see, for example, the *Stolen Art Alert* (Jan./Feb. 1983; Oct. 1982; March 1980, and as late as *IFAR Journal,* Vol. 3, no. 1, 1999/2000). A former vitamin salesman and a convicted felon, with a history of arrests for art fraud and passing bad checks in connection with art sales, Heller worked with several accomplices, including Jerrold Schuster (see below), Richard Vitrano and the art forger Manuel (Manny) Marin. Heller used aliases, such as, Samuel



Charles Heller, 1982

"At the time of his arrest, he was wanted on charges of art theft and fraud in Atlanta, New York City, Boston, and Newburgh, NY."

Orenstein, James Fanning, Robert Heller, Charles Graham, Richard Berg, and Richard Hill.

In December 1982, he was arrested after swindling a string of art dealers along the East Coast. His modus operandi in the New York City area was to use checks written against a non-existent Texas gallery to purchase paintings and decorative art. The sales always took place on a Saturday. Heller would convince the dealers that he himself was a dealer who needed the merchandise immediately for resale; by the time they discovered the checks were no good, it was too late. At the time of his arrest, he was wanted on charges of art theft and fraud in Atlanta, New York City, Boston, and Newburgh, NY. Earlier that year, he was arrested in Atlanta but jumped bail.

One of a group of **William Aiken Walker** fakes marketed by Heller that triggered an FBI investigation and a criminal case in South Carolina. Photo: Bruce Museum

In January 1995, based on evidence gathered by the FBI and the U.S. Attorney's office, a federal grand jury in South Carolina handed down a two-count criminal indictment charging Heller with committing fraud in 1994-95 by selling fake paintings that he represented to be genuine works by William Aiken Walker, an American regional artist of the South (1839-1921), and by falsely claiming that he represented the James Brucker, Sr. estate in California. The attorney general decided not to pursue the case, and it was dismissed without prejudice. But Heller had violated New York probation when he went to South Carolina and was punished with 10½ months in prison.

The case was reopened in 1999, with more evidence that the Walker paintings were fakes (including forensic analysis showing that the suspect paintings contained anachronistic pigments), and on April 25, 2000, Heller copped a plea to avoid two charges of art fraud. He pleaded guilty to withholding information on a crime; namely, knowing that paintings purportedly by William Aiken Walker were fakes and concealing this fact from an art dealer. He served one year in prison.

The last IFAR heard, Heller was living in Florida.

Arthur Burdett Frost (American, 1887-1917). *The Music for the Dance,* 1891. Watercolor and gouache, 15 x 23 in. "Purchased" by Charles Heller, using a bad check and a false letter of credit, from a Scottsdale gallery in 1982. Recovered shortly afterward when the suspicious dealer and police arrived at the hotel where Heller was staying.

Henri Kuntz—A Crook with a List of Aliases as Long as his Rap Sheet

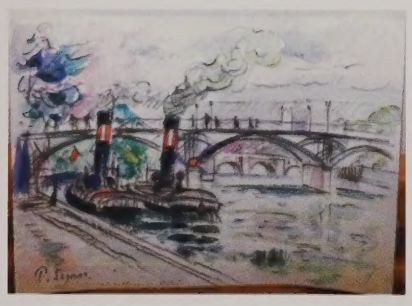
Henri Louis Kuntz, an international criminal who conned art dealers by posing as a knowledgeable collector, first gained notoriety in the 1970s and 1980s and is familiar to IFAR readers from articles in *IFARreports.* Born in Strasbourg, France, he arrived in Toronto in 1973, already having a police record. After running a woman's clothing store, he opened a storefront gallery on Toronto's King Street. From his Toronto base, he masterminded numerous burglaries and marketed fakes. According to police, he would case Toronto galleries and carpet dealers to determine which items he wanted stolen and would then order the burglaries through his criminal associates.

He is said to have employed a forger in France (Toulouse) who "created" works by major 19th-and 20th century French artists. Kuntz sold the forged and stolen artworks in Toronto, New York City, and Florida, among other locations, and he consigned paintings to New York auction houses. He also purchased authentic works of art from dealers and auction houses in Europe and North America using bad checks.

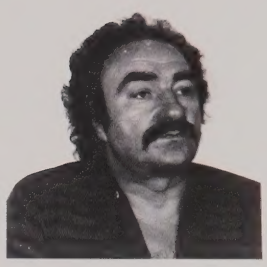
Known by many aliases, including Henri Beaulieu, Horst Helm, John Matusiak, Henry Louis, Henry Hoffman, and Howard Rebstein, Kuntz was called Frenchie in the criminal community.

In October 1985, Metropolitan Toronto and York Regional Police launched an international investigation – dubbed "Operation Carpetbagger" – into Kuntz's criminal activities in coordination with Interpol, the FBI, and U.S. Customs. Kuntz was arrested in February 1986. In August 1986, before a York County, Ontario judge, he pleaded guilty to charges of fraud, possession of stolen goods, and conspiracy to sell forgeries as authentic works of art (128 stolen paintings and 58 fakes.) He was sentenced to four years and 11 months in prison. It was not his first time; he had already been incarcerated in 1981.

By 1991, Kuntz was out of prison and back to his tricks. A Toronto gallery informed the police that it had purchased a Jean-Paul Riopelle painting for far below market value from an art appraiser and that the same man later offered the gallery three fake Picassos. During a May 1991 house raid, Toronto police seized over 50 works of art, including some purported fakes. They arrested Kuntz again that month and charged him with possession of stolen property, two counts of fraud, and one count of attempted fraud. In June, the police learned from IFAR that the appraiser was an associate of Kuntz. During a second house raid in July, police seized another 50 works of art, including authentic works by Picasso and Chagall that had been reported stolen from galleries in the 80s and 90s, and a list of all the works stolen from one of the galleries.



One of several fake watercolors of Paul Signac's *Pont Neuf* that police found during their investigations of Henri Kuntz, which were based on an authentic Signac painting stolen from a Palm Beach art dealer in 1983.



Henri Kuntz, ca. 1986

"Kuntz died in 2018 … taking with him the secret as to the whereabouts of perhaps the most valuable painting he had stolen …"

The police arrested Kuntz again in 1994 in connection with fake paintings, including those purportedly by Riopelle. He was convicted again and sentenced to two years in prison and prohibited from working in the art business. This didn't stop him from his criminal activities, as police seized forgeries when they raided his home in early 1997.

Kuntz died in 2018, after a bout with dementia, taking with him the secret as to the whereabouts of perhaps the most valuable painting he had stolen: Picasso's *Woman with a Hat Holding a Sheep's Head,* an oil on canvas painted 12 October, 1939 (Zervos, V9, no. 352), listed in one of IFAR's earliest theft publications (February 1979). It was a smash-and-grab operation on February 17, 1979. Thieves smashed the glass front of Toronto's Goddard Gallery, and took the Picasso, which was on loan from a private collector as part of a Picasso exhibit that was touring Canada. The painting has never been recovered and should be viewed here along with the other Still Missing artworks highlighted in this issue.

Pablo Picasso, *Woman with a Hat Holding a Sheep's Head,* 12 October 1939. Oil on canvas. Stolen in a 1979 Toronto theft masterminded by Henri Kuntz. It is still missing. © 2021 Estate of Pablo Picasso/ Artists Rights Society, NY.

Jerrold Schuster—"A Career Fraud and Con Artist" said the Judge

Jerrold (Jerry) Schuster, another bad penny that kept resurfacing on the pages of IFAR publications, first opened an auction house in the 1970s in New Windsor, New York. It was the start of a career selling fakes, much of it alongside his childhood friend, Richard Vitrano. They were quite a pair. Both men ended up spending years in and out of prison.

In January 1980, the FBI impounded about 80 alleged forgeries from the Jerrold Schuster Art Gallery in New Windsor. The forged works included bronzes by Remington marked with a false stamp, signed paintings and drawings in the style of Wyeth, Sloan, Degas and Picasso; and Art Nouveau glass and lamps. The Schuster gallery conducted a monthly auction with a sales catalogue distributed in advance. After the January 1980 sale, Schuster and gallery employees were arrested and charged with mail and wire fraud for distributing the catalogues, which listed works without any disclaimer as to authenticity. A Federal District Court in Manhattan found Schuster guilty of knowingly selling paintings with forged signatures of famous artists and reproducing Tiffany-style lamps with unauthorized Tiffany imprints. Schuster was sentenced to a year and a day in prison, plus four years probation and a $10,000 fine.

Ten years later, Schuster was back to his old tricks. In 1990 he was convicted of conspiracy, bank fraud, mail fraud, and wire fraud in connection with an insurance scam involving a damaged painting, the judge calling him "a career fraud and con artist." He was sentenced to three years in prison and prohibited from working in the art, antiques or auction field for three years after his release.

Fast forward another ten years when Schuster was at it again, this time courtesy of the internet. The New York State Attorney General, Eliot Spitzer, filed a civil suit in May 2000 against the Antique and Design Center Gallery in New Windsor, a gallery whose officers were none other than Jerry Schuster and his wife, Jill, alleging false advertising, deceptive consumer practices and violations of New York's Arts and Cultural Affairs Law. They were accused of selling counterfeit works of art by American and European artists through the Center, and on eBay under the name, "sambuca914". Schuster and his wife were then barred by eBay and also enjoined from selling art by the New York Attorney General. The suit accused the gallery of continuing to sell fake paintings even *after* being notified that the works were counterfeit, and in several cases, of reselling returned works to new buyers with the same fraudulent attributions.

Still Life sold by Jerrold Schuster on eBay as a Kokoschka, but was actually painted by an art student who signed her own name on the back

In January 2001, the Antique and Design Center reached a settlement with the State of New York, whereby, without admitting wrongdoing, it agreed to refund an estimated $111,000 to 18 defrauded customers, pay $45,000 to the Attorney General's office for the legal costs, pay treble damages with the threat of a $5,000 fine for any future violations, and post $70,000 in bonds before continuing to do business in New York. In a controversial move, the settlement agreement allowed the Center to keep the works that it had sold with false attributions and to resell them as long as it did not misrepresent anything about them.

Schuster's shenanigans didn't end there. In November 2004, Schuster and two of his former employees were accused of placing shill bids, bidding on more than 1,100 of each other's eBay items over a five year period to drive up the prices. Schuster pleaded guilty to a felony involving restraint of trade. The other two men pleaded guilty to misdemeanors of attempted restraint of trade.

Schuster died in Newburgh, NY in September 2018.

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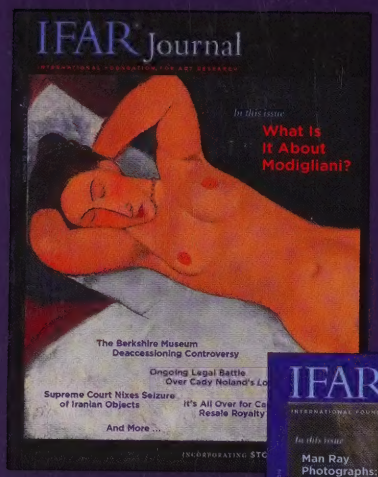
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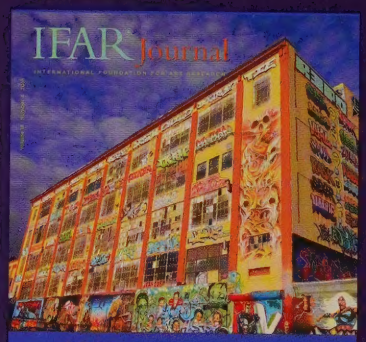
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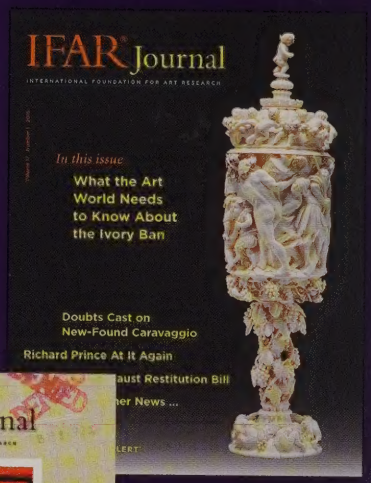
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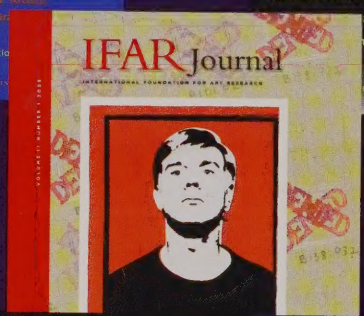
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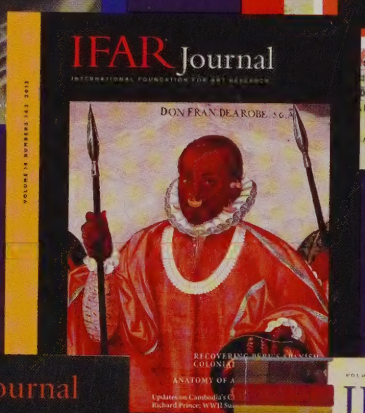
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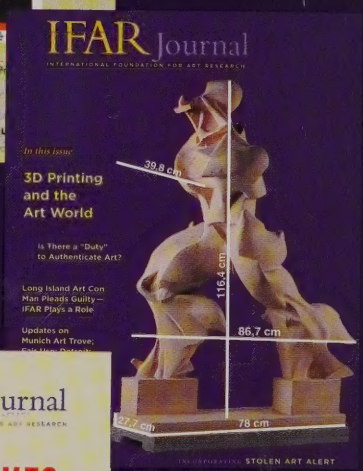
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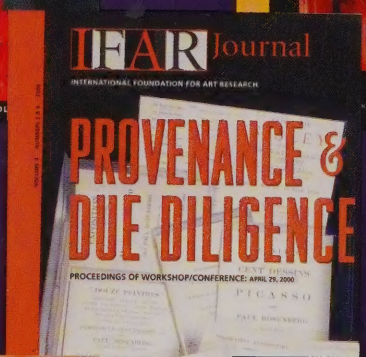
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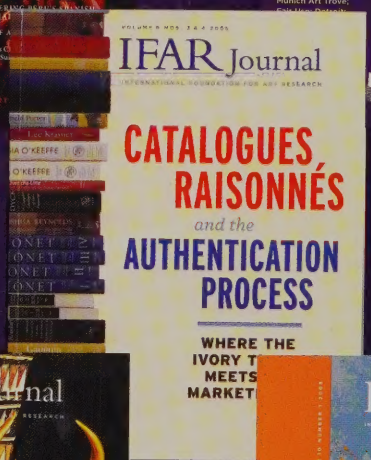
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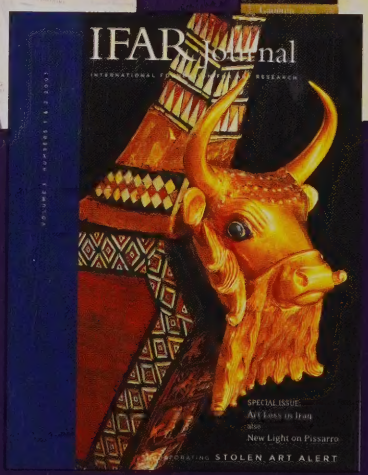
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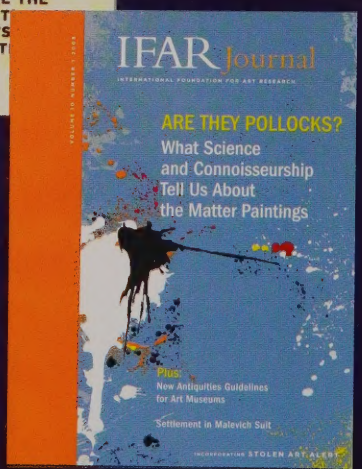
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